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CICERO

PRO MILONE

EDITED BY THOMAS J. KEELINE

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Washington University in St. Louis

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For Monica, as always

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PREFACE

In my perhaps biased opinion, the *Pro Milone* is Cicero's best speech. And now that I've finished writing a commentary on it, well, I feel just about ready to start writing one. But life is short, and I've already spent more time thinking about this speech than Cicero himself ever did. So: *manum de tabula*!

My goal in this book is to help students and scholars understand the *Pro Milone* both as a literary masterpiece and as a historical document. Much of the commentary is an attempt to build a bridge between what we know today and what Cicero's contemporary audience would have known. Now this is ultimately an unbridgeable gap – Cicero's contemporaries were native speakers of Latin who knew the people involved in the trial and had an intuitive grasp of the social and political background to the case, to say nothing of their shared cultural knowledge of Roman life and the Roman world more generally *ca.* 52 BC. Today we can only do our best to reconstruct that knowledge by diligent philology, careful historical work, and constant attention to Cicero's rhetorical artistry. Our reconstruction will necessarily remain fragmentary and incomplete. But I don't think we should despair: even if the gap between us and them is unbridgeable, we can still make a lot of progress, and the journey itself has much to offer.

I've tried to provide notes on whatever seemed likely to need or benefit from explanation. The last full-scale English commentary on the *Pro Milone* was published 126 years ago, and while I doubt we'll have to wait that long for the next, I've attempted to write for a variety of possible audiences. Different readers will of course have very different needs and desires – and different people use commentaries for very different purposes – and so everyone will make their own selection of which notes to consult. Readers are good at skipping what they don't need or what doesn't interest them; I think that the much bigger danger is to fail someone who is looking to the commentary for help or further information on a particular point. While my own idiosyncratic interests will be clear, I've never consciously avoided a difficulty of any sort.

A commentary demands all kinds of knowledge from a commentator, and it's a great way to find out just how little you know. Suffice it to say that no one is more conscious of my deficiencies than I. These would have been far more visible but for the extraordinary generosity of a number of scholars, some of whom I've never even met. Kathy Coleman gave me the idea to write this commentary in the first place; she and Tim Moore both read the specimen that I sent to the Press as part of the proposal.

Michael Sharp at Cambridge University Press has provided sage guidance from before a single word of the commentary was even written. The series editors, Philip Hardie and Stephen Oakley, shepherded the commentary from first fumbling drafts through to completion, reading every word with meticulous care and attention. Iveta Adams has (again) been the best copy-editor I could imagine, improving almost every page of the manuscript with her editorial acumen and sense of style. Bethany Johnson has skillfully guided the book through production, and Raymond Howard has my gratitude for serving as proofreader for the press. The manuscript was also read in whole or in substantial parts by Dominic Berry, Tony Corbeill, Bob Kaster, Cathy Keane, Gesine Manuwald, Bob Morstein-Marx, John Ramsey, and Jim Zetzel. These kind souls also answered follow-up questions (sometimes quite a few!) and provided useful guidance of all sorts. Many others generously answered individual questions or helped in other ways, including David Armstrong, Sean Dolan, Daniel Pettersson, Tim Moore (again), Luis Alejandro Salas, Jeff Tatum, and James Townshend. A graduate seminar at Washington University in St. Louis in fall 2018 let me think hard about the speech in the company of some wonderful students, and a fellowship from the Center for the Humanities at the same institution let me finish a draft of the commentary in fall 2019. This bare list of names is scant acknowledgment of the enormous contribution that these scholars and friends have made to the commentary; they have been prodigal with their time and learning, and only those who saw my earlier drafts can understand how much they've been improved. The fact that mistakes and deficiencies remain in spite of such extraordinary help is only a testimony to the magnitude of the author's aforementioned shortcomings, and they are of course his responsibility alone.

My greatest debt – to the best of wives, best of women – is inadequately acknowledged in the dedication.

ABBREVIATIONS, EDITIONS, COMMENTARIES, AND TRANSLATIONS

ABBREVIATIONS

A–G	Allen, J. H. and Greenough, J. B. *A new Latin grammar.* Boston 1903.
BAtlas	Talbert, R. J. A. (ed.) *Barrington atlas of the Greek and Roman world.* Princeton 2000.
BNP	Cancik, H. and Schneider, H. *Brill's new Pauly: encyclopaedia of the ancient world. Antiquity,* 15 vols., trans. C. F. Salazar and D. E. Orton. Leiden 2006–10.
CAH[2]	*Cambridge ancient history,* 2nd edn., 14 vols. Cambridge 1970–2005.
CIL	*Corpus inscriptionum Latinarum.* Berlin 1861–.
G–L	Gildersleeve, B. L. and Lodge, G. *Latin grammar.* New York 1895.
GL	Keil, H. (ed.) *Grammatici Latini,* 8 vols. Leipzig 1855–80.
H–S	Hofmann, J. B. and Szantyr, A. *Lateinische Syntax und Stylistik.* Munich 1965.
IG	*Inscriptiones Graecae.* Berlin 1873–.
ILS	Dessau, H. *Inscriptiones Latinae selectae,* 3 vols. Berlin 1892–1916.
Inscr. Ital.	*Inscriptiones Italiae.* Rome 1931–.
K–S	Kühner, R. and Stegmann, C. *Ausführliche Grammatik der lateinischen Sprache. Band 2: Satzlehre,* 4th edn., 2 vols. Darmstadt 1966.
Laurand	Laurand, L. *Études sur le style des discours de Cicéron,* 4th edn., 2 vols. in 1. Amsterdam 1965 (reprint of Paris 1936–8).
Lausberg	Lausberg, H. *Handbook of literary rhetoric,* trans./ed. M. T. Blass *et al.* Leiden 1998.
Lebreton	Lebreton, J. *Études sur la langue et la grammaire de Cicéron.* Paris 1901.
Leumann	Leumann, M. *Lateinische Laut- und Formenlehre.* Munich 1977.
Löfstedt	Löfstedt, E. *Syntactica: Studien und Beiträge zur historischen Syntax des Lateins,* 2 vols. Lund 1933–42.

L&S	Lewis, C. T. and Short, C. *A Latin dictionary.* Oxford 1879.
LTUR	Steinby, E. M. (ed.) *Lexicon topographicum urbis Romae,* 6 vols. Rome 1993–2000.
Merguet	Merguet, H. *Lexikon zu den Reden des Ciceros,* 4 vols. Jena 1877–84.
MRR	Broughton, T. R. S. *Magistrates of the Roman Republic,* 3 vols. New York and Atlanta 1951–86.
NLS	Woodcock, E. C. *A new Latin syntax.* London 1959.
NTDAR	Richardson Jr., L. *A new topographical dictionary of ancient Rome.* Baltimore 1992.
N–W	Neue, C. F. and Wagener, C. *Formenlehre der lateinischen Sprache,* 3rd edn., 4 vols. Leipzig 1892–1905.
OCD	Hornblower, S., Spawforth, A., and Eidinow, E. (eds.) *Oxford classical dictionary,* 4th edn. Oxford 2012.
OLD	Glare, P. G. W. (ed.) *Oxford Latin dictionary.* Oxford 1982.
ORF[4]	Malcovati, E. *Oratorum Romanorum fragmenta,* 4th edn., 2 vols. Turin 1976.
Otto	Otto, A. *Die Sprichwörter und sprichwörtlichen Redensarten der Römer.* Leipzig 1890.
PHI	Packard Humanities Institute Classical Latin Texts. Online at: https://latin.packhum.org/.
PMG	Page, D. L. (ed.) *Poetae melici Graeci.* Oxford 1962.
RE	Pauly, A., Wissowa, G., and Kroll, W. (eds.) *Realenzyklopädie der classischen Altertumswissenschaft.* Stuttgart 1893–1980.
RLM	Halm, K. *Rhetores Latini minores.* Leipzig 1863.
RRC	Crawford, M. H. *Roman Republican coinage,* 2 vols. Cambridge 1974.
TLL	*Thesaurus linguae Latinae.* Munich 1900–.
TLRR	Alexander, M. C. *Trials in the late Roman Republic, 149 BC to 50 BC.* Toronto 1990.
Weiss	Weiss, M. *Outline of the historical and comparative grammar of Latin.* Ann Arbor 2009.

SELECT CRITICAL EDITIONS AND COMMENTARIES

The list below includes editions containing conjectures mentioned in the apparatus criticus, as well as other editions that I have consulted in preparing the present commentary. It is arranged in chronological order.

For a massive catalogue of editions before 1836, see Orelli 1826–38: VI.193–477.

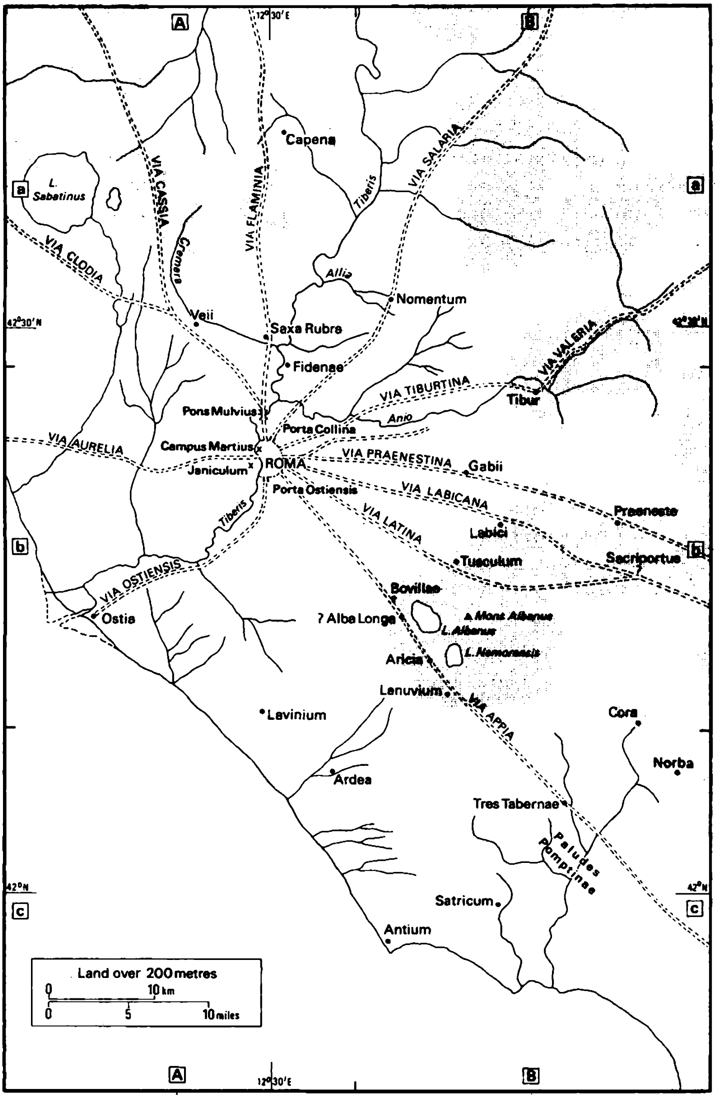
Editio Iuntina = Angelius, N. 1515: *M. T. Ciceronis orationes a Nicolao Angelio Bucinensi nuper maxima diligentia recognitae et excusae*, Florence.
Editio Aldina = Naugerius, A. 1519: *M. T. Ciceronis orationes*, 3 vols., Venice.
Lambinus, D. 1565–66 (1st edn.), 1572–3 (2nd edn.): *M. Tullii Ciceronis opera omnia quae extant*, Paris.
Fabricius, F. 1569: *M. Tullii Ciceronis de provinciis consularibus et pro Milone orationes*, Düsseldorf.
Gruter, J. 1618: *M. T. Ciceronis opera*, Hamburg.
Heumann, C. A. 1733: *M. Tullii Ciceronis oratio pro T. Annio Milone*, Hamburg.
Ernesti, J. A. 1774–7: *M. Tullii Ciceronis opera omnia*, Halle.
Garatoni, G. 1777– (unfinished): *M. T. Ciceronis opera*, Naples. Notes to the *Mil.* reprinted in C. Orelli, *M. T. Ciceronis pro T. Annio Milone oratio* (Leipzig 1826).
Peyron, A. 1824: *M. Tullii Ciceronis ... oratio pro T. A. Milone a lacunis restituta*, Stuttgart.
Orelli, J. C. 1826–38 (1st edn.), 1845–61 (2nd edn., ed. J. G. Baiter and K. Halm): *M. Tullii Ciceronis opera quae supersunt omnia*, 8 vols., Zurich.
Purton, J. S. 1877: *M. T. Ciceronis oratio pro Tito Annio Milone*, Cambridge.
Novák, R. 1892: *M. Tullii Ciceronis pro T. Annio Milone, pro Q. Ligario, pro rege Deiotaro orationes*, Prague.
Colson, F. H. 1893: *Cicero: Pro Milone*, London.
Reid, J. S. 1894: *M. Tulli Ciceronis pro T. Annio Milone ad iudices oratio*, Cambridge.
Clark, A. C. 1895: *Pro T. Annio Milone ad iudices oratio*, Oxford.
Plaistowe, F. G. and Masom, W. F. n.d. [1895?]: *Cicero: Pro Milone*, London.
Wagener, J. and Wagener, A. 1898: *M. Tullii Ciceronis pro T. Annio Milone ad iudices oratio*, 3rd edn., Brussels.
Halm, K. and Laubmann, G. 1899: *Ciceros ausgewählte Reden. Fünfter Band: Die Reden für T. Annius Milo, für Q. Ligarius und für den König Deiotarus*, 10th edn., Berlin.
Poynton, A. B. 1902: *Cicero: Pro Milone*, 2nd edn., Oxford.
Bouterwek, R. and Luterbacher, F. 1907: *Ciceros Rede für T. Annius Milo*, 3rd edn., Gotha.
Nohl, H., Richter, F., and Eberhard, A. 1907: *Ciceros Rede für T. Annius Milo*, 5th edn., Leipzig.
Wessner, P. 1911: *Ciceros Rede für T. Annius Milo mit dem Kommentar des Asconius und den Bobienser Scholien*, Bonn.

Klotz, A. 1914: *M. Tulli Ciceronis scripta quae manserunt omnia. Fasc. 26: Oratio pro T. Annio Milone*, Leipzig.
Colombo, S. 1917: *M. Tulli Ciceronis Pro Milone – Pro Archia*, Turin.
Clark, A. C. 1918: *M. Tulli Ciceronis orationes*, vol. II: *Pro Milone, Pro Marcello, Pro Ligario, Pro rege Deiotaro, Philippicae I–XIV*, 2nd edn., Oxford.
Donnelly, F. P. 1935: *Cicero's Milo: a rhetorical commentary*, New York.
Guillemin, A.-M. 1938: *Pro Milone de Cicéron*, Paris.
Vanderborght, E. 1943: *Cicéron: Pro Milone*, Brussells.
Boulanger, A. 1949: *Cicéron: Discours*, vol. XVII: *Pour C. Rabirius Postumus, pour T. Annius Milon*, Paris.
Faranda, R. 1968: *Cicerone: Pro Milone*, Turin.
Gallo, I. 1969: *Cicerone: orazioni Clodiane. De domo sua, De haruspicum responso, Pro Milone*, Rome.
Quémener, J. 1972: *Cicéron: Pro Milone*, Paris.
Collin, P. 1972: *Cicéron: Pro Milone. Préparation annotée*, 7th edn., Paris.
Fedeli, P. 1990: *Cicerone: In difesa di Milone*, Venice.
Fotheringham, L. S. 2013: *Persuasive language in Cicero's Pro Milone: a close reading and commentary*, London.
West, R. and Fotheringham, L. S. 2016: *Cicero: Pro Milone. A selection*, London.

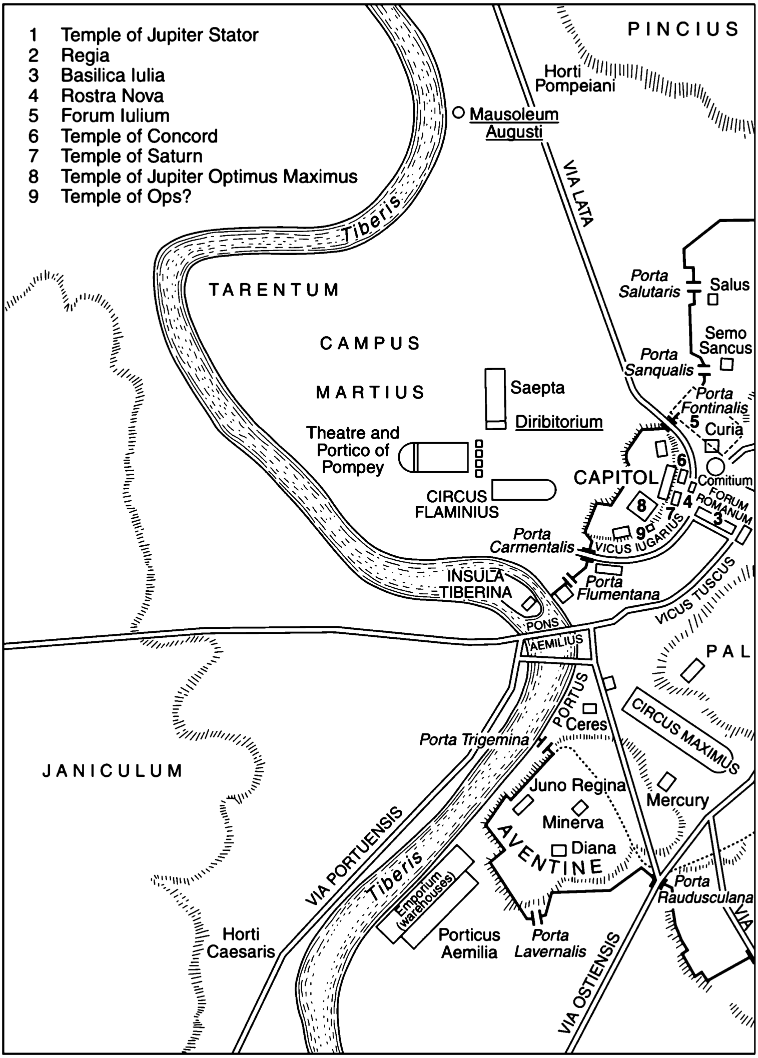
MODERN ENGLISH TRANSLATIONS

Watts, N. H. 1931: *Cicero: Pro Milone, In Pisonem, Pro Scauro, Pro Fonteio, Pro Rabirio Postumo, Pro Marcello, Pro Ligario, Pro Rege Deiotaro*, Cambridge, MA.
Grant, M. 1969: *Selected political speeches of Cicero*, Harmondsworth.
Berry, D. H. 2008: *Cicero: defence speeches*, corrected edn., Oxford.

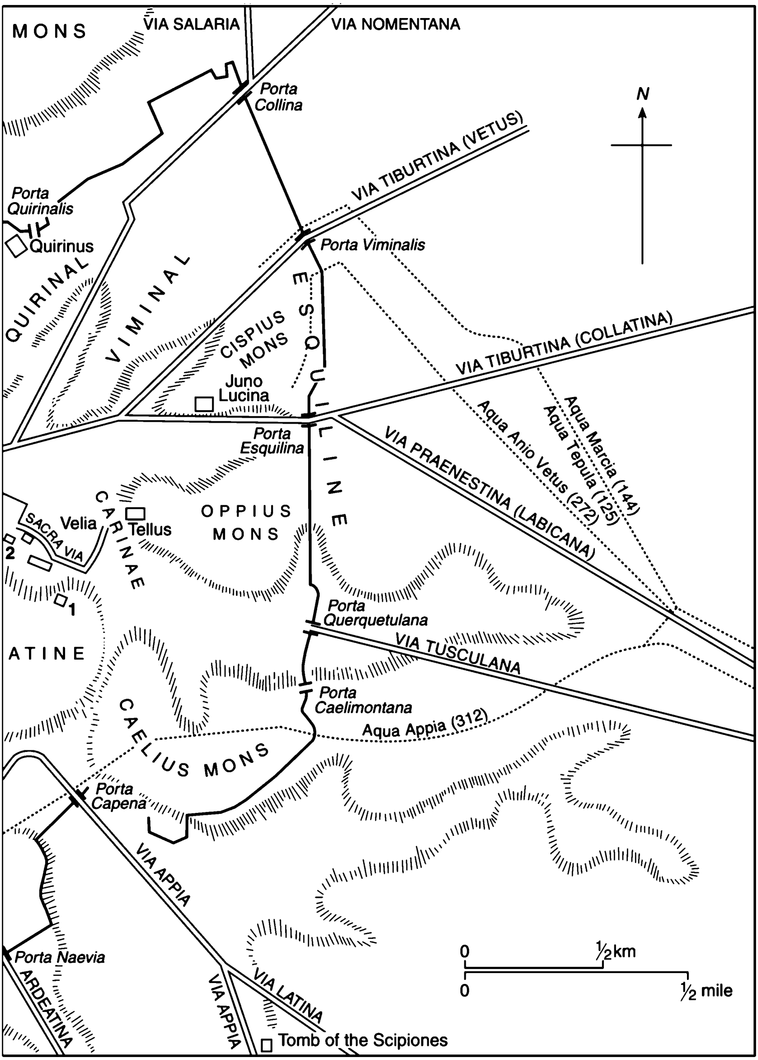
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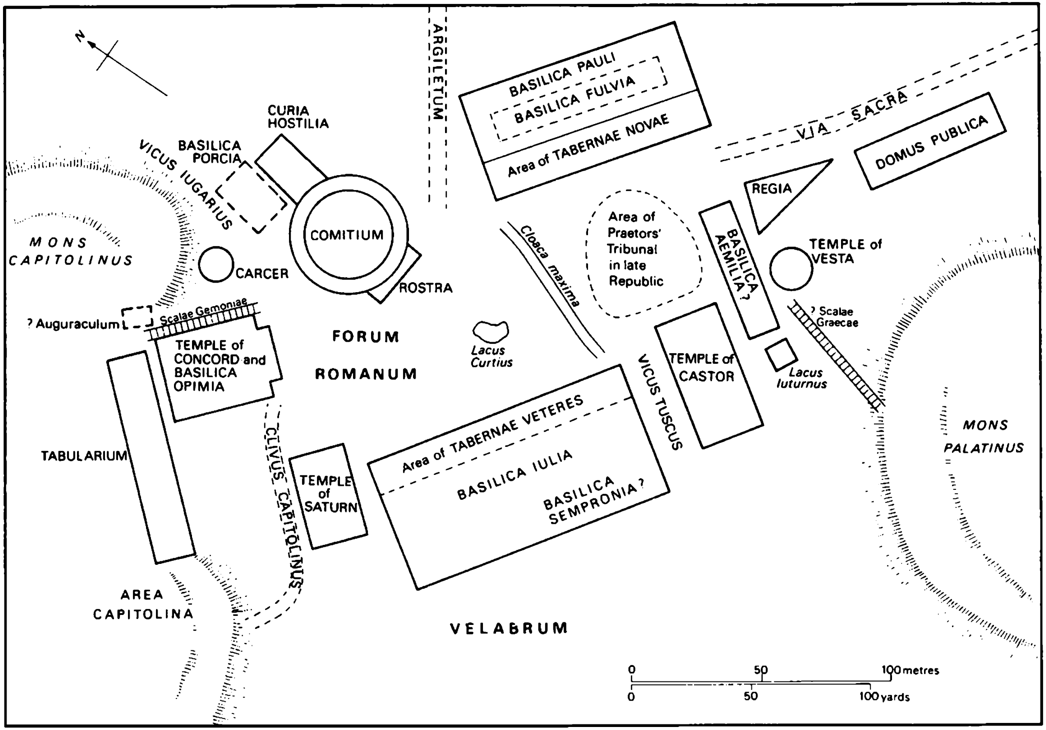
Map 1 Latium. From *CAH*[2] IX.188.



Map 2 Rome in the late Republic. Underlining denotes later, imperial structures. From Ramsey 2003: xxvi–xxvii.


MONS
VIA SALARIA
VIA NOMENTANA
Porta Collina
N
VIA TIBURTINA (VETUS)
Porta Quirinalis
Quirinus
Porta Viminalis
QUIRINAL
VIMINAL
ESQUILINE
CISPIUS MONS
VIA TIBURTINA (COLLATINA)
Juno Lucina
Porta Esquilina
Aqua Anio Vetus (272)
Aqua Tepula (125)
Aqua Marcia (144)
VIA PRAENESTINA (LABICANA)
CARINAE
Velia
Tellus
SACRA VIA
OPPIUS MONS
2
1
Porta Querquetulana
VIA TUSCULANA
ATINE
Porta Caelimontana
CAELIUS MONS
Aqua Appia (312)
Porta Capena
VIA APPIA
Porta Naevia
ARDEATINA
VIA APPIA
VIA LATINA
Tomb of the Scipiones
0
½km
0
½ mile

Map 2 (cont.)



Map 3 Center of Rome in the late Republic. From *CAH*[2] IX.370.

NOTE ON CONVENTIONS

Classical Latin authors and titles are abbreviated as in the *OLD* or more explicitly; later Latin authors, where necessary, generally as in the *TLL*. Cicero is abbreviated "C."; references to C.'s works consist of an abbreviated title with no author. A reference preceded by § is to the *Pro Milone*, which is cited without further indication; when such a reference is followed by an n., it indicates that the commentary contains a relevant note ad loc. (e.g.: "cf. §23n. *ut aliquando ad causam crimenque ueniamus*"; in such cross-references, longer lemmata are sometimes truncated). C.'s letters are cited by the vulgate numeration. Asconius is cited by page number of A. C. Clark's Oxford Classical Text; the Scholia Bobiensia (Schol. Bob.) by page and line number of T. Stangl's edition. Cassius Dio is abbreviated Dio; other Greek authors are abbreviated as in the *Greek–English Lexicon* of Liddell, Scott, and Jones. In the bibliography, modern periodicals are abbreviated as in *L'Année Philologique* with occasional slight modifications (e.g. *AJP* instead of *AJPh*), while "standard" commentaries (e.g. Austin ad *Cael.*) are not listed. Other abbreviations and references can be elucidated by consulting the List of Abbreviations, Editions, Commentaries, and Translations, and the Works Cited.

INTRODUCTION

1 THE *PRO MILONE* AND CICERO'S CAREER

When Cicero undertook the defense of T. Annius Milo in early 52 BC, he already had an illustrious career behind him.[1] Born in 106 in Arpinum, a small town about 62 miles (100 km) southeast of Rome, C. was a "new man": none of his ancestors had been senators at Rome, still less important politicians. C. himself, however, rose through the Roman *cursus honorum* with a swift and sure step, holding each political office in his earliest year of eligibility – he was successively quaestor in 75 BC, aedile in 69, praetor in 66, and finally consul in 63. This would have been a remarkable achievement for any man in late Republican Rome; it was stunning for a *nouus homo* from an Italian hill-town. C.'s extraordinary ascent was fueled above all by his oratory, especially as practiced in the law courts. As a youth he had first made his name in a murder trial with political ramifications, his successful defense of Sextus Roscius in 80 BC. A decade later he cemented his reputation when he won the spectacular conviction of Gaius Verres for corruption and extortion. By 70 BC, C. had become the foremost orator and defense advocate in Rome, a reputation that he would enjoy until his death and even beyond.

And so C. was a seasoned veteran when he rose from the benches to deliver his closing argument in Milo's defense on 8 April 52.[2] Milo stood accused of having murdered P. Clodius Pulcher, C.'s archenemy, outside Rome on the Appian Way some hundred days before. Cn. Pompeius Magnus, elected sole consul under an extraordinary measure in the eventful months following Clodius' death, was watching over the court with armed troops in an attempt to keep order. Indeed, the court itself was Pompey's creation: he had just passed special legislation under whose provisions Milo was being tried. As C. looked around at Pompey and his soldiers and a hostile crowd and began to address the jurors, he may have anticipated that his defense would fail: Milo admitted the killing, Pompey was plainly opposed, and Clodian supporters were present in force and

[1] C. (as "Cicero" will be abbreviated throughout this commentary) is the best documented figure from antiquity, and a number of biographies give full details of his life: see e.g. Stockton 1971, Mitchell 1979, 1991, Rawson 1983, or (with comprehensive citation of primary sources, but in German) Gelzer 2014.

[2] For the date 8 April, as well as a detailed narrative of the events surrounding Milo's trial, see the next section.

vocal. But C. could hardly have realized that he stood on the cusp of a turning point in his career and in the course of the Roman Republic.

The *Pro Milone* would not be C.'s last speech before a jury, but it does happen to be his last such speech that survives.[3] In fact, there is no extant Ciceronian oratory of any sort for the next six years, when C. at last breaks his silence in the *Pro Marcello* in 46 BC. In the meantime, Rome had changed completely. When C. set out to govern the province of Cilicia in May 51, trials under Pompey's special laws were ongoing. Upon his return late the following year, Rome was careening toward civil war. C. reluctantly sided with Pompey, and when Julius Caesar emerged as the victor, C. was granted an ignominious reprieve with the tacit understanding that he not oppose Caesar. C. withdrew from public life. Caesar had assumed sole power in Rome. The *Pro Milone* is thus one of our last glimpses of the functioning – functioning under considerable strain, but functioning nevertheless[4] – Roman Republic.

To look backwards from January 52, the *Pro Milone* forms the capstone to C.'s *post reditum* orations, i.e. the speeches that he delivered in the years after his recall from exile. It is the culmination of a series of events stretching back almost exactly a decade, when C.'s otherwise ordinary consulship of 63 BC was disrupted by the extraordinary Catilinarian conspiracy.[5] On 5 December 63, C. (in)famously executed five of the conspirators, Roman citizens all, without trial, albeit with the senate's approval. Controversial even at the time, this decision would soon come back to haunt him.

Just about a year later, in December 62, P. Clodius Pulcher disguised himself and sneaked into the celebration of the rites of the Bona Dea, being held that year in the house of Julius Caesar.[6] Men were forbidden to enter, and so Clodius dressed as a woman. His motives cannot be known for sure – ancient sources somewhat improbably allege a tryst with Caesar's wife, Pompeia[7] – but he was in any case detected. Scandal followed: Caesar divorced his wife (who, Caesar said, must be "above suspicion": Plut. *Caes.* 10.9), the matter was the subject of tortuous maneuvering in the senate, and Clodius was eventually put on trial for *incestum*, "profanation of

[3] Before departing for Cilicia, he gave several further court speeches in trials held under Pompey's laws: see p. 17 below and Crawford 1984: 219–34.

[4] As emphasized by Gruen 1974: 337–57.

[5] For a detailed narrative of the Catilinarian conspiracy, see e.g. CAH^2 IX.346–60.

[6] For full discussion of the Bona Dea scandal, citing all relevant sources, see Tatum 1999: 62–86.

[7] Pompeia was the sister of the tribune Pompeius Rufus, on whom see §28n. *cum uxore.*

religious rites."[8] The case against him looked damning. Clodius, however, claimed to have an alibi: he had been at Interamna, many miles away. C. exploded that alibi, telling the jurors that he had seen Clodius in Rome that very day. (C. Causinius Schola, the man who provided Clodius with his alibi, returns as a prosecution witness in Milo's trial.)[9] But the jury was bribed and voted for acquittal. Clodius, who had had no quarrel with C. before, now becomes his implacable enemy.[10]

A few years later Clodius took his revenge. Although a scion of the most distinguished patrician stock, the Claudii Pulchri, in 59 BC he succeeded in arranging to be adopted into a plebeian family.[11] The adoption was of questionable legality – it was certainly against the spirit of the law; for one thing Clodius' adoptive father was even younger than he was – but Caesar was consul and pontifex maximus and under both titles assisted with the scheme. Pompey as augur also connived. A newly minted plebeian, Clodius promptly sought and won a tribunate.[12] When he and his nine colleagues took office on 10 December 59, he had an extensive legislative program of populist policies – and a burning desire to revenge himself on C. One of his new laws would exile anyone who had executed Roman citizens without trial. Although C. perhaps had a constitutional argument to make in his defense, he did not wait to test it in court: he fled, taking ship at Brundisium on 29 April 58 BC.[13] In the meantime Clodius had promulgated a bill confiscating C.'s property and barring him for a distance of 400 miles from Rome. The bill became law, and C.'s property was seized. His house on the Palatine was looted, set on fire, and demolished; Clodius added insult to injury by erecting a temple to *Libertas* on the site.

Efforts to recall C. began immediately. Although Pompey had done nothing to try to prevent C.'s exile, by the spring of 58 Clodius had turned on him, and Pompey too then began to agitate for C.'s recall.[14] While Clodius still held the tribunate and the veto, all such efforts were stymied.

[8] So defined by the *OLD* s.v. *incestum* 1, although how a word that properly referred either to sexual relations between relatives or to the failure of a Vestal Virgin to remain chaste came instead to be applied to Clodius' apparent intrusion on the rites of the Bona Dea is a more complex story: Tatum 1999: 74–5.

[9] See §46n. *cuius iam pridem testimonio Clodius eadem hora Interamnae fuerat et Romae.*

[10] Indeed, in 63 Clodius had stood firmly with C. and against Catiline: see §37n. *sica illa quam a Catilina acceperat.*

[11] Detailed discussion of Clodius' transition from a patrician to a plebeian in Tatum 1999: 87–113.

[12] On Clodius' tribunate, see Tatum 1999: 114–49.

[13] For detailed discussion of the legal issues surrounding C.'s exile, see Bellemore 2008.

[14] See §21n. *fuisse illum sibi inimicum.*

Indeed, even in January 57 violence by Clodius' partisans prevented the passage of a bill to recall C. (*Sest.* 73–7). But the tribunes T. Annius Milo and P. Sestius raised gangs of their own, and on 4 August 57 they provided the muscle to push through the centuriate assembly a consular bill recalling C. from exile.[15] C. put in again at Brundisium the next day (*Att.* 4.1.4, *Sest.* 131), and from then on, his gratitude to Milo knew no bounds.

Milo himself is an intriguing figure. No member of Rome's aristocracy by birth, he came from the small town of Lanuvium (Asc. 31C) and was the son of a Papius and an Annia (he was subsequently adopted by his maternal grandfather, a T. Annius: Asc. 53C).[16] Nothing is known of his career before his tribunate in 57 (*MRR* II.201), when he bursts onto the scene for us as a fully formed politician. Two years later, despite his origins, he seems to have been praetor and was married to Sulla's daughter (*MRR* II.215, Asc. 28C), and he had every reason to hope for the consulship (cf. §25).[17] He was also a brutal thug and a gang leader, but – and? – C. was utterly devoted to him.[18] Our picture of Milo, however, is formed mostly by C.'s words, which are hardly the report of a disinterested observer. Despite his importance in urban politics at Rome, and despite his being at the very center of the *Pro Milone*, today we can see Milo only through a glass darkly.

C. returned to Rome on 4 September 57, and during the next six or seven months, his star seemed to be in the ascendant. He regained his property on the Palatine, and he even dared to oppose Caesar.[19] This opposition was seen as a possible threat by the coalition of Caesar, Crassus,

[15] For the centuriate assembly and this bill, see §38n. *illo die quo est lata lex de me.*

[16] Milo's distant ancestors could include the consuls of 153 and 128 BC (so Wiseman 1971: 58, 213), but if so, it would be odd that neither Asconius nor C. ever mentions these distinguished antecedents. *Annius* was a common nomen, and it seems more likely that Milo had no consular connections (Gruen 1974: 174 n. 41, Shackleton Bailey 1992: 15, Taylor 2013: 190–1), and there is little reason to think that he had senatorial ancestors (cf. *Sest.* 87 with Kaster ad loc.). He was, however, *dictator* at Lanuvium (see §27n. *ad flaminem prodendum*), and so the Papii, or perhaps more likely the Annii, may have had some local prominence. (The Papii seem to stem from Samnium: Salmon 1967: 314, 392, Wiseman 1971: 249.) The praenomen of Milo's grandfather is transmitted at Asc. 53C as *C.*, but an adoptee usually took the praenomen of his adopter, and so the emendation *T.* seems secure (see further Shackleton Bailey 1976: 103). At *Clu.* 78 C. professes to be friends with a T. Annius, who is however not to be identified with Milo's maternal grandfather: otherwise C. surely would have touched on such a personal connection somewhere in the *Mil.* (Shackleton Bailey 1976: 9).

[17] On Milo's career, see further §21n. *familiarem Milonem.*

[18] For the relationship between C. and Milo, see esp. Lintott 1974.

[19] E.g. in a senate speech on 5 April 56 advocating postponement of discussion on a land bill to resettle Caesar's veterans in Campania: see Crawford 1984: 152–7.

and Pompey, the so-called first triumvirate. When those three men met at Luca in April 56 and renewed their alliance, C. was brought to heel.[20] Singing a new tune, he suddenly supported Caesar in the *De prouinciis consularibus* of July 56, and then largely withdrew from political life. That same conference at Luca also brought about a reconciliation between Clodius and Pompey, who had been bitter enemies just a few months earlier. For a time Milo continued to enjoy Pompey's favor – Pompey still backed him for the praetorship[21] – but by 54 Pompey was hostile.

Clodius and Milo clashed before C.'s recall, and they continued to clash thereafter. Their gangs fought in the streets; Clodius and Milo themselves fought in the courts. In early 57 Milo tried to prosecute Clodius *de ui* for using his supporters to prevent the vote on C.'s recall in January (*TLRR* 261); the trial came to nothing, and so Milo countered by recruiting gangs of his own. In late 57 Milo again attempted to indict Clodius *de ui*, again with no result, since before the case could be brought to trial, Clodius assumed the aedileship and gained immunity from prosecution (*TLRR* 262).[22] The following year Clodius returned the favor, bringing Milo before a *iudicium publicum* that yet again came to naught (*TLRR* 266).[23] We know less about their activities in the following years – Milo was probably praetor in 55, for example, but we infer this only from the fact that he was a candidate for the consulship of 52 (*MRR* II.215) – whether because tensions had eased or because our sources happen to be silent. But at least by 53, as the political situation in Rome deteriorated, their power, backed up by violence or the threat of violence, increased. Matters came to a head when Milo sought the consulship and Clodius the praetorship for 52 BC, as will be described in next section.

The *Pro Milone* reflects all of these issues and themes. In this speech, as in C.'s other thirteen extant speeches delivered after his return from exile and before this one, C. is obsessively concerned with the events of the preceding decade.[24] The Catilinarian conspiracy (63 BC) – the Bona Dea scandal (62–61 BC) – Clodius' tribunate (58 BC), with an emphasis on C.'s exile and recall: these events form the canvas on which the characters and lives of Clodius and Milo are painted. C.'s chosen strategy to secure Milo's acquittal is in part a strategy of his own self-justification, in part a

[20] On the conference at Luca and its fallout, see again §21n. *fuisse illum sibi inimicum.*

[21] See §68n. *adiutum in petitione praeturae.*

[22] On these two trials see §40n. *P. Clodium in iudicium bis, ad uim numquam uocauit.*

[23] See §40n. *priuato Milone et reo ad populum accusante P. Clodio.*

[24] For C.'s *post reditum* persona see May 1988: 88–127, Nicholson 1992, Riggsby 2002.

strategy to align Milo with the *optimates* and Clodius with the *populares* (or, more prejudicially, the so-called *improbi*).[25] This is likewise true of C.'s constant references to Clodius' and Milo's relationships with Pompey. While C. ostensibly seeks only to prove that Clodius set an ambush for Milo on the Appian Way and was killed by him in an act of justified self-defense, in fact almost everything about the speech is conditioned by the political reality of the fifties BC.[26]

It may be chance that the *Pro Milone* concludes the extant collection of C.'s *post reditum* speeches, but C. could not have picked a more fitting finish: Clodius' death begins a new era in C.'s life (cf. *Att.* 5.13.1, 6.1.26). And perhaps it is not just chance. C. may have published this speech in part to propagate his version of his struggle with Clodius, to shape his own narrative and create his own memory, perhaps in the immediate flush of his triumphantly successful prosecution of T. Munatius Plancus Bursa in January 51.[27] Regardless, as he headed out to Cilicia in May 51, the issues that had vexed him for over a decade had all but disappeared. C. may have lost his fight for Milo, but he had won his war with Clodius: Clodius was dead, and, just after Milo's conviction, Clodius' chief supporters were decisively defeated in a series of trials.[28] C. could be well content.[29] Little did he know that just a year and a half later Caesar would cross the Rubicon.

2 CLODIUS' DEATH, MILO'S TRIAL, AND THE AFTERMATH: HISTORICAL BACKGROUND[30]

53 BC began at Rome with bad omens – owls and wolves, prowling dogs, sweating statues, lightning strikes (Dio 40.17.1) – and, after a massive

[25] On "ops and pops," see §5n. *pro bonis contra improbos.*

[26] This is not, of course, surprising: if the entourage of an American presidential candidate killed an American vice-presidential candidate of an opposing party in a brawl, no one would treat it as anything other than a political crime.

[27] Cf. section 6 "Revision and Publication" below; on Plancus, see §12n. *huius ambusti tribuni plebis.* NB: there is no evidence that C. published any of his other speeches from 52–51 (see Crawford 1984: 219–37).

[28] See p. 17 below.

[29] Lintott 1974: 76: "on the eve of his departure for Cilicia he was well content with the new dispensation."

[30] The most important source for the historical background of Milo's trial is Asconius, a commentator on C.'s speeches writing in the mid-first century AD. The following narrative is based largely on his account (30–56C). Plutarch (*Cic.* 35, *Cat. min.* 47–8, *Pomp.* 54–5, *Caes.* 28), Appian (*BC* 2.20–4), and Cassius Dio (40.48–55) provide supplementary information of varying credibility, as do scattered references in other Latin authors and especially the Scholia Bobiensia (the later Scholia Gronoviana [322–3 St.] are of no value). What sources these later authors made use of is not clear (cf. e.g. Liv. *Per.* 107). We have none of C.'s letters to Atticus or

election scandal the previous year, no consuls or praetors.[31] Crassus' Parthian expedition would end in disaster in June. Elections for the year's magistracies could not be held until July.[32] Although campaigning for the offices of 52 began immediately thereafter, and C. threw all his weight behind T. Annius Milo's bid for the consulship (*Fam.* 2.6), again elections could not be held: violence among the candidates prevented the completion of a vote. C.'s *bête noire*, P. Clodius Pulcher, was seeking the praetorship, and Milo's and Clodius' factions – street gangs, really – clashed repeatedly (Asc. 30–1, 48C, Schol. Bob. 172.18–20 St., Plut. *Caes.* 28.4–5, *Cat.* 47.1, Dio 40.46.3).[33]

52 BC likewise began with a bad omen: the Kalends of January happened to be a market day, portending a whole year of disaster (Dio 40.47.1; cf. Macr. 1.13.17–18).[34] Because elections had not been held, the year again opened with no offices filled except the plebeian tribunate. Milo was confident in his chances and eager to have the vote taken as soon as possible, but his rivals for office, P. Plautius Hypsaeus and Q. Metellus Scipio, wanted delay, hoping time would turn the tide.[35] Pompey

Quintus from this time, and the surviving letters *Ad familiares* from 52 are not relevant (*Fam.* 5.18 and perhaps 13.75). Asconius does not narrate the events leading up to the trial in strictly chronological order, and he embeds some of the details in his notes as opposed to his introductory preface: Lintott 1974, Ruebel 1979, and Ramsey 2016 disentangle and rearrange the Asconian material. For the moment Asconius is most easily consulted in the Latin–English edition with commentary of Lewis 2006, although John Ramsey's forthcoming edition will supersede it; Marshall 1985 is a valuable commentary; and Berry 2008, the best English translation of the *Mil.* itself, also translates Asconius' narrative (pp. 172–82).

[31] For the scandal, see §22n. *L. Domiti.*

[32] See *CAH*² IX.401–5.

[33] For Clodius' and Milo's gangs, see §26n. *seruos agrestes et barbaros* and §36n. *seruorum et egentium ciuium et facinorosorum.* Clodius also tried to undermine Milo's campaign in the senate, claiming that he had lied about his massive debts. In reply C. made a speech *De aere alieno Milonis*: see Crawford 1994: 265–88 for the fragments and discussion.

[34] In 52 BC, Julius Caesar's reforms to the calendar had not yet taken place. The year still had 355 days: January had 29; February, 28; March, 31; April, 29. An intercalary month of twenty-seven days was periodically inserted after 23 or 24 February in order to bring the civil calendar back into alignment with the astronomical one; in 52 BC it would be inserted after 24 February. (The remaining days of February disappeared: i.e. 24 February was followed by 1 Intercalaris, and 27 Intercalaris was followed by 1 March.) In fact events of "January 52" pre-Julian took place in late November and December of the eventual Julian calendar; so e.g. 1 January 52 pre-Julian = 21 November 53 Julian. For convenient tables and a review of Roman calendrical scholarship, see Marinone and Malaspina 2004: 291–461 (with the amendments in Ramsey and Raaflaub 2017: 164–5, which do not affect the years 53–52 BC).

[35] For Hypsaeus and Metellus Scipio, see §32n. *ut iis consulibus praetor esset.*

favored Milo's opponents[36] and so favored delay, and the Clodian tribune T. Munatius Plancus Bursa used his tribunician powers to block the patrician senators from appointing an *interrex* to hold elections (Asc. 31C).[37] Rome faced political gridlock. Almost immediately, however, a new crisis supervened and broke up the jam.

On the afternoon of 18 January 52 BC, Clodius was returning to Rome from Aricia, where he had given a speech to the local *decuriones*, perhaps in connection with his campaign for the praetorship. That same day, Milo left Rome for Lanuvium, where in his capacity as local *dictator* (chief magistrate) he was supposed to appoint a priest.[38] The two men, together with their entourages, met just outside Bovillae on the Appian Way (see Map 1). As Asconius reports (31–2C):

> occurrit ei circa horam nonam Clodius paulo ultra Bouillas ... prope eum locum in quo Bonae Deae sacellum est ... uehebatur Clodius equo; serui XXX fere expediti, ut illo tempore mos erat iter facientibus, gladiis cincti sequebantur. erant cum Clodio praeterea tres comites eius, ex quibus eques Romanus unus C. Causinius Schola, duo de plebe noti homines P. Pomponius, <C. Clodius>. Milo raeda uehebatur cum uxore Fausta, filia L. Sullae dictatoris, et M. Fufio familiari suo. sequebatur eos magnum seruorum agmen, inter quos gladiatores quoque erant, ex quibus duo noti Eudamus et Birria. ii in ultimo agmine tardius euntes cum seruis P. Clodi rixam commiserunt. ad quem tumultum cum respexisset Clodius minitabundus, umerum eius Birria rumpia traiecit. inde cum orta esset pugna, plures Miloniani accurrerunt. Clodius uulneratus in tabernam proximam <in> Bouillano delatus est. Milo ut cognouit uulneratum Clodium, cum sibi periculosius illud etiam uiuo eo futurum intellegeret, occiso autem magnum solacium esset habiturus, etiam si

[36] Pompey's support is attested explicitly only for Hypsaeus, who had previously served as his quaestor (Asc. 35C). He is, however, almost certain to have supported Scipio as well, since Scipio becomes Pompey's father-in-law at some point and his consular colleague for the last five months of 52 (Plut. *Pomp.* 55.7): Ramsey 2016: 299 n. 5. For the date of Pompey's marriage to Scipio's daughter Cornelia, see Ramsey forthcoming: ad Asc. 31C, arguing that it must be April 52 at the earliest and that Asconius' description of Pompey as *gener Scipionis* in his discussion of the campaigning in January 52 should be understood as "*prospective* son-in-law."

[37] On Plancus, see §12n. *huius ambusti tribuni plebis.* For a description of the *interrex*, see Lintott 1999a: 164 (with further references): "if by chance no consul, praetor, or dictator was alive in office, the patricians met to select from among their number an *interrex*, or rather a series of *interreges*, who each held office for five days and were responsible for maintaining and transmitting *imperium* and the auspices to properly elected magistrates as soon as possible."

[38] On the office of *dictator* at Lanuvium, see §27n. *ad flaminem prodendum.*

subeunda esset poena, exturbari taberna iussit ... atque ita Clodius latens extractus est multisque uulneribus confectus.

Clodius met Milo around the ninth hour just beyond Bovillae ... near the place where there is a small shrine to the Bona Dea ... Clodius was on horseback. He was followed, as was the custom for travelers in those days, by about thirty lightly armed slaves carrying swords. With him also were three traveling companions: a Roman *eques* named C. Causinius Schola and two well-known plebeians, P. Pomponius and <C. Clodius>. Milo was riding in a carriage with his wife, Fausta, the daughter of L. Sulla the dictator, and his friend M. Fufius. They were followed by a large column of slaves, among whom were gladiators too, including the famous Eudamus and Birria. It was these two, lagging behind in the rear of the column, who started a fight with Clodius' slaves. When Clodius looked back at the fracas with a menacing expression, Birria threw a spear and hit him in the shoulder. When that caused a fight to break out, more of Milo's men ran up. The wounded Clodius was carried off into a close-by inn near Bovillae. When Milo learned that Clodius had been wounded, since he realized that matters would be more dangerous for him if Clodius lived, but if Clodius died he would have a great recompense, even if he had to be punished for it, he ordered Clodius to be rousted from the inn ... And so Clodius, who had been hiding inside, was dragged out and finished off with many wounds.

In his speech C. tells a rather different story of the "battle of Bovillae" (*Att.* 5.13.1), claiming above all that Clodius set a deliberate ambush for Milo.[39] But Asconius is quite confident that the fight broke out by chance (42C), and other ancient authorities agreed (cf. n. 90 below). We have every reason to distrust C.'s account – he was a lawyer doing his utmost to secure the acquittal of his client – and every reason to believe Asconius, who was a careful researcher who scrupulously indicates his doubts elsewhere when he has them.[40] He had none here. Moreover, his report will not have

[39] Cf. esp. §29. Other differences: C. places the encounter "around the eleventh hour" (see §29n. *hora fere undecima aut non multo secus*) instead of the ninth; C. omits mention of Eudamus and Birria; C. claims that Milo was attacked on multiple fronts (see §29 introductory note); C. makes no mention of Clodius' being brought to an inn and then finished off. For discussion of further differences and an excellent account of what can be surmised about how Clodius really died, see Berry forthcoming.

[40] C.'s version of the time of the crime, for example, seems overwhelmingly likely to be lawyerly fudging if Clodius' corpse could make it back to Rome shortly after nightfall (Asc. 32C *ante primam noctis horam*; cf. Marshall ad Asc. 31C *circa*

depended on the prosecution's biased account of the affray, since the prosecution insisted that Milo had set an ambush for Clodius (Asc. 41C). Last but not least, Asconius' story has the virtue of making sense. While we cannot treat his account as objective truth – after all, every surviving witness will have told a biased and partial story – it is reasonable to look with skepticism at C.'s version and to see in his deviations from Asconius' story possible examples of his rhetorical manipulation of the facts.[41]

Clodius' body was left outside the inn by the side of the road, where it was found by one Sex. Teidius, a senator who happened to be returning to Rome.[42] Teidius sent the body on to Rome in his own litter; he himself prudently turned around and headed back to the countryside. The body arrived at nightfall, and news of Clodius' death spread fast. Chaos ensued. That night a crowd gathered at Clodius' house on the Palatine, where they were whipped into a frenzy by Clodius' wife, Fulvia.[43] The next morning (19 January), the tribunes T. Munatius Plancus Bursa and Q. Pompeius Rufus incited the assembled crowd still further.[44] The corpse was brought into the Forum and placed on the *rostra*, where Plancus and Pompeius held a *contio* and inveighed against Milo.[45] The mob, led by Clodius' close associate Sex. Cloelius, brought the body into the Senate House, where they cremated it on a makeshift funeral pyre of benches and tables and senate documents.[46] In the process they set fire to the Senate House itself, leaving it badly damaged (Asc. 32–3C, Dio 40.49.2, 40.50.2).[47] That afternoon the crowd held a funeral banquet in the Forum (Dio 40.49.3).

nonam horam). For Asconius expressing doubts, cf. e.g. 48C with §37n. *nuper quidem, ut scitis, me ad Regiam paene confecit.* Schuller 1997: 121 also well observes that Asconius was generally biased in favor of C. and Milo, and so the fact that he presents an account unfavorable to Milo here is all the stronger evidence that it is likely to be true.

[41] No other surviving account is so detailed: cf. App. *BC* 2.21, Dio 40.48.2, Schol. Bob. 111.24–8 St., Liv. *Per.* 107. Fotheringham 2013: 8–12 is more sympathetic to C.'s version of events and issues a salutary caution against trusting Asconius uncritically; sim. Forschner 2015: 5–11.

[42] Sex. Teidius (*RE* 2) is probably the lame man who would later join the Pompeians in Macedonia in his extreme old age (ἐσχατόγηρως ἀνὴρ θάτερον πεπηρωμένος σκέλος, Plut. *Pomp.* 64.4); further Marshall ad Asc. 32C *Sex. Teidius.*

[43] On Fulvia, see §28n. *sine uxore, quod numquam fere.* Sumi 1997 emphasizes the role of the mob in the following events, contrary to Asconius' focus on the leaders of the mob. Sumi suggests that after Fulvia had ginned up the crowd, it could not be controlled and ran riot.

[44] On Pompeius Rufus, see §28n. *cum uxore.*

[45] On the *contiones* in the aftermath of Clodius' death, see §3n. *hesterna etiam contione.*

[46] On Sex. Cloelius, see §33n. *Sexte Cloeli.*

[47] On the extent of the damage, see §90n. *inflammari, exscindi, funestari.*

The senate was goaded into action. Meeting on the Palatine that same day (19 January), they finally voted to create an *interrex*, M'. Aemilius Lepidus, who probably entered office that very afternoon (Dio 40.49.5).[48] His house was almost immediately besieged by Clodians demanding that he hold elections at once, in contravention of the tradition that the first *interrex* did not preside over elections; they wanted to take advantage of the fresh hostility toward Milo caused by Clodius' death. They kept up the siege for five days, but Milo's partisans fought against them and eventually diverted them from their purpose (Asc. 43C, Schol. Bob. 116.9–13 St.).

Milo himself stayed away from Rome in the first twenty-four hours following Clodius' death. After the killing he may have gone on to Clodius' estate in search of Clodius' young son, as alleged by Metellus Scipio (Asc. 35C); according to Scipio, Milo failed to find him and so brutally tortured one of Clodius' slaves and killed several others. Perhaps: C. makes no mention of any of this in his extant speech.[49] Whether he ultimately appointed the priest at Lanuvium is unknown, although it seems a reasonable guess that he continued on to his home town.

But Milo did not stay away from Rome for long: he returned on the evening of 19 January. When he heard that the Curia had been set aflame by the Clodians, he felt confident that public opinion would be swayed in his favor. Since the senate had met to begin the election process, he resumed his consular campaign in earnest, distributing cash and making speeches (Asc. 33C, 35C).[50] But murder and mayhem became everyday occurrences in Rome, and the continued violence made holding elections impossible (App. *BC* 2.22, Dio 40.46.1). By early February, the senate had had enough: they passed the *senatus consultum ultimum* in an unusual form, authorizing the *interrex*, the tribunes of the plebs, and the

[48] Dio's account is admittedly confused (he misdates to this same meeting the *senatus consultum ultimum*, which was not passed until 1 February or a few days thereafter), but he seems to be right that the *interrex* assumed office immediately; see Ramsey 2016: 301–3 for discussion with further references. The first *interrex* was almost certainly Manius (M'.) Aemilius (*RE* 62) Lepidus (cos. 66), not Marcus (M.) Aemilius (*RE* 73) Lepidus (cos. 46 and eventual triumvir): see §13n. *incendium curiae, oppugnationem aedium M'. Lepidi.*

[49] Stone 1980: 93 n. 27 suggests that after the fight Milo may have genuinely thought that Clodius had plotted to kill him, in which case he might have proceeded to Clodius' estate to try to find out the extent and details of the supposed plot.

[50] On 22 January, Milo visited Pompey in his suburban *horti* to ask whether he should continue with his consular campaign. Pompey, claiming that he would not interfere with anyone's candidacy or try to influence the Roman people, refused to offer an opinion (Asc. 35C, 51C).

proconsul Pompey to see to the safety of the Republic, and empowering Pompey to levy troops throughout Italy (Asc. 34C).[51]

Meanwhile recriminatory *contiones* continued apace, with the Clodians crying murder and Milo and his partisans pleading self-defense. Legal proceedings loomed. In mid-February, about thirty days after Clodius' death, Metellus Scipio brought up the matter in a senate speech, claiming that Milo had in fact deliberately attacked Clodius (Asc. 34–5C). Perhaps a week later, at the beginning of the intercalary month added that year after 24 February, two of Clodius' nephews – brothers both named Appius[52] – demanded that Milo hand over his slaves for interrogation under torture.[53] Tit for tat, Milo's allies demanded the production of Clodius' slaves, and those of Hypsaeus and Q. Pompeius Rufus for good measure. They also claimed that Milo's "slaves" were slaves no longer: they had been freed for saving their master's life and so could not be tortured (Asc. 34C).

The series of *interreges* continued unabated, with a new one appointed after the expiration of each five-day term. By the twenty-first day of the intercalary month, there had been some eleven already. Then the noted jurist Servius Sulpicius was appointed *interrex*,[54] and a solution was soon found to break the deadlock and fill the consulship: arch-conservative M. Bibulus proposed in the senate that Pompey be made sole consul.[55] Even Cato approved (Asc. 36C; cf. Plut. *Cat. min.* 47.3–4, *Pomp.* 53.3–8).[56] Their reasons for introducing this unusual measure must have been complex; perhaps it forestalled a potential Pompeian dictatorship, but it may also have been a compromise measure to allow elections to go forward without having Milo elected as consul and so becoming immune from prosecution.[57] And so Pompey was either appointed, or more probably elected by

[51] On the so-called *SCU* more generally, see §8n. *L. Opimius.* Pompey was at the time governing Spain *in absentia* (*MRR* II.238).

[52] On the Appii brothers, see §59n. *Appius.*

[53] Roman slaves could only be interrogated under torture; see §57n. *cur igitur eos manu misit?*

[54] Servius Sulpicius is almost certainly Ser. Sulpicius (*RE* 95) Rufus, the distinguished jurisconsult who, disappointed in the consular elections of 63 (cf. *Mur.*), finally achieved the consulship in 51 – perhaps as a consequence of having brokered this deal. For the identification, see Ramsey 2016: 315 n. 63 (rejecting the possibility of Ser. Sulpicius [*RE* 61] Galba, pr. 54).

[55] M. Calpurnius (*RE* 28) Bibulus was Caesar's frustrated colleague as consul in 59 ("the consulship of Julius and Caesar": Suet. *Jul.* 20.2); Cato's son-in-law and a member of his circle of *optimates* (cf. e.g. Gruen 1974: 55–6), he opposed Caesar to the end, dying in 48 while serving as the admiral of Pompey's fleet in the Adriatic.

[56] For Cato, see §16n. *auunculus huius iudicis nostri, fortissimi uiri, M. Catonis.*

[57] The ancient sources focus on Pompey's potential dictatorship (Asc. 35–6C, Plut. *Caes.* 28.7, App. *BC* 2.23, Dio 40.50.4), but Ramsey 2016: 308–18 argues for a more nuanced understanding of the proposal as a reluctant compromise by

a pro forma vote of the people, sole consul on the twenty-fourth day of the intercalary month (Asc. 36C).[58] Fifty-eight days had passed since the death of Clodius.

Pompey acted swiftly and decisively: two days after becoming consul, he proposed two laws in the senate, one concerning public violence (with explicit mention of the murder on the Appian Way), the other dealing with *ambitus*, or corrupt electioneering (Asc. 36C). Pompey's laws created a new form of trial (Asc. 39C):[59] for three days the witnesses would be heard. Next the eighty-one jurors who would decide the issue would be selected by lot out of a pool of 360 potential jurors, making jury-tampering by bribery prohibitively expensive.[60] Twenty-seven jurors were to be chosen from each of the three orders under the provisions of the *lex Aurelia* (before their vote, prosecution and defense could each reject five jurors from each order; fifty-one jurors would thus decide on guilt or innocence: cf. Asc. 53C).[61] Finally, the prosecution would have two hours to present their case; immediately thereafter, on the same day, the defense was given three hours to reply. A decision was to be rendered immediately after the speeches. The penalty for conviction was probably *aquae et ignis interdictio*, i.e. outlawry and banishment.[62]

Milo's allies tried to help him. In a senate debate, Hortensius proposed that Milo's case be tried under the existing laws but given expedited treatment, but the Clodians outmaneuvered him with a neat bit of parliamentary procedure.[63] A few days later, the tribune M. Caelius Rufus, C.'s friend and Milo's staunch supporter, threatened to veto Pompey's bills on the grounds that they were laws aimed at Milo and constituted a rush to judgment.[64] That the laws were aimed at Milo is clear, as is the

the *optimates* (further support in Ramsey 2018); for skepticism that Cato would have thrown Milo over, see Drogula 2019: 215–16. Morrell 2018 contends that Pompey's sole consulship is the first sign of real and lasting cooperation between Pompey and Cato's circle of *optimates*.

[58] For the pro forma vote, see Ramsey 2016: 303–8.

[59] Most of the details of the laws are mentioned in Asconius; for some that are not, see Marshall ad Asc. 36C *forma iudiciorum breuiore*.

[60] 360 jurors: not in Asconius, but see *Att.* 8.16.2, Vell. 2.76.1, Plut. *Pomp.* 55.4. *Pace* Greenidge 1901: 393–5, it seems overwhelmingly likely that all 360 jurors had to hear all the evidence over the first three days of the trial before the sortition took place on day four; the final jury of eighty-one could not have decided the case without hearing the evidence.

[61] For the *lex Aurelia*, see §4n. *amplissimorum ordinum delectis uiris.*

[62] See §31n. *quam iugulari a uobis.*

[63] On Hortensius, see §37n. *hunc ipsum Q. Hortensium*; for the maneuvering in the senate, see §14n. *diuisa sententia est.*

[64] On Caelius, see §91n. *M. Caelius, tribunus plebis.* On the legal status of *priuilegia* (laws targeting an individual), see Dyck ad *Leg.* 3.44. For further discussion of

fact that Pompey was openly hostile to Milo, fearing him – or pretending to fear him – and refusing to see him (Asc. 36C, 38C, 52C).[65] When Caelius persisted in blocking Pompey's legislation, Pompey declared that he would use his troops and restore order by force if necessary (Asc. 36C). Caelius backed down, and Pompey's laws were passed by the assembly in mid-March. These laws also required that the *quaesitor* in charge of the Pompeian court *de ui* be an ex-consul elected by the people; an election was immediately held, and L. Domitius Ahenobarbus was appointed *quaesitor* (Asc. 38C).[66] A. Torquatus, an ex-praetor, was appointed to preside over the court *de ambitu* (Asc. 39C).[67]

Milo was indicted straightaway under the Pompeian laws *de ui* and *de ambitu*, as well as under the *lex Licinia de sodaliciis*, a statute apparently concerned with a specific kind of electoral bribery involving illegal associations (Asc. 38–9C).[68] Several people wanted to prosecute him *de ambitu* – perhaps because Pompey's laws offered a reward for successful prosecutions on this charge (App. *BC* 2.24, Dio 40.52.3–4) – and so a *diuinatio* was conducted in late March to determine the prosecutor. The elder of the two Appii Claudii Pulchri brothers was chosen; he would thus prosecute Milo both *de ui* and *de ambitu*. Milo was then ordered to appear in both courts on 4 April. He sent a representative, M. Marcellus, to the court *de ambitu* to ask for a continuance.[69] It was granted. The *ambitus* charge was to be heard after Milo's trial for *uis* had been concluded; the trial *de ui*, with L. Domitius Ahenobarbus presiding, would go forward immediately (Asc. 39C).

why the legal procedure under Pompey's laws would be disadvantageous to Milo, see Forschner 2015: 117–31.

[65] The Clodians stoked Pompey's fears and suspicions at every turn; at a senate meeting in mid-March, a certain P. Cornificius claimed that Milo was armed, whereupon Milo stripped naked in the Senate House to prove that he was not (see §66n. *senator inuentus est qui Milonem cum telo esse diceret*). Pompey's hostility to Milo was so patent that C. feels compelled to devote §§15–21 of the speech to trying to dispel the notion.

[66] On Domitius, see §22n. *L. Domiti.*

[67] Little is known for certain about A. Manlius Torquatus (for the full name cf. Asc. 54C), but he is probably the praetor of *ca.* 70 (= *RE* s.v. *Manlius* 76); see further Mitchell 1966: 25–6. Normally the praetors presided over the standing *quaestiones*, but for all known trials conducted under Pompey's laws in 52 BC, special *quaesitores* were appointed: *MRR* II.237, with discussion in Marshall ad Asc. 39C *quaesitore A. Torquato.*

[68] On the *lex Licinia de sodaliciis*, see Mouritsen 2001: 149–51.

[69] M. Claudius (*RE* 229) Marcellus (cos. 51) was a noted orator (*Brut.* 248). As consul he would oppose Caesar, but after Pharsalus he went into exile. Marcellus was later recalled (for which C. thanked Caesar effusively in the *Pro Marcello*), but he was murdered en route to Rome.

Preliminary proceedings under the Pompeian law *de ui* seem to have begun that day, with the trial proper commencing the next day, 5 April.[70] On that day C. Causinius Schola, Clodius' traveling companion, testified against Milo.[71] The defense lawyer in charge of cross-examination, M. Marcellus, was overwhelmed by the shouts and threats of the Clodians surrounding the court, and he actually fled onto Domitius' tribunal in fear for his safety. Marcellus and Milo then requested an armed guard, and in addition to his troops, Pompey himself came down within sight and earshot the next day. On the subsequent two days of witness testimony, Marcellus, Cicero, and Milo himself were able to cross-examine the witnesses, although the testimony given by many of the inhabitants of Bovillae seems to have been damning: they confirmed that the inn had been assaulted and Clodius dragged out by force. The final prosecution witnesses were Clodius' widow, Fulvia, and her mother, Sempronia; their emotional testimony was very effective.[72] When the court adjourned that

[70] The chronology of the trial is a long-standing problem. Despite editors' confusion, C.'s own words guarantee that the final day of the trial was 8 April, as transmitted by the MSS at Asc. 30C (see §98n. *centesima lux est ... et, opinor, altera*). Furthermore, we know from C. that a *contio* took place the day before he spoke (§3 *hesterna ... contione*, §71 *hesternam illam contionem*; cf. Asc. 42C), and Asconius reports that this *contio*, summoned by Plancus, was called immediately after the court was adjourned following the hearing of the witnesses (Asc. 40C). We also know that under Pompey's laws, witnesses were heard for three days (Asc. 39C), i.e. 5, 6, and 7 April. This would make 4 April a day of preliminaries, which is perhaps implied by the fact that Milo had actually been ordered to appear in both the court *de ui* and the court *de ambitu* that day, and by Asconius' resumptive *primo die* (40C), which seems to indicate a day different from the *pridie Non. April.* (= 4 Apr.) of 39C. If the preceding reconstruction is correct, then the general account of Pompey's laws at Asc. 39.15–21C, indicating a five-day procedure with a sort of rest day on the fourth, is either confused or corrupt (or both). I owe much of this note to correspondence with John Ramsey.

[71] For Schola, see §46n. *dixit C. Causinius Schola, Interamnanus, familiarissimus et idem comes Clodi.*

[72] Asconius makes no mention of defense witnesses, and C. himself cites no defense witness testimony in his speech, but it would defy common sense to suppose that the defense called not a single witness; see §44 with notes. In most trials the advocates spoke *before* the witnesses gave their evidence, and so we can see C.'s practice in dealing with witnesses almost exclusively in *repetundae* cases (where there was a second *actio* after the witness testimony). These may not be representative, as trials *de repetundis* are uniquely dependent on witness testimony, and only the prosecutor could compel witnesses to appear; it would thus have been more difficult to summon provincials to testify for the defense. But to leave aside the *Verrines* as a special case even within this special category (not least because C. was prosecuting), in the *Font.*, *Flac.*, *Scaur.*, and *Rab. Post.*, C. gives the opposing witnesses some rough treatment, but almost never mentions defense testimony (see further Riggsby 1999: 129–36, Alexander 2002: 59–118); for more rough treatment of opposing witnesses, see *Caec.* 24–31. Thus while no firm conclusions can

afternoon, Plancus immediately held a *contio*, urging his supporters to turn out in force at the trial the next day and press for Milo's condemnation (Asc. 40–1C).

On the fourth and final day of the trial, 8 April, a hush descended on the Forum. Shops were closed and spectators gathered. Pompey's troops watched over the proceedings, as did Pompey himself, looking down from the steps of the Temple of Saturn. The advocates probably gave their speeches a stone's throw away to the east or east-north-east, in which case the burned and damaged Curia loomed just off to the other side (see Map 3).[73] The prosecution team – Ap. Claudius, M. Antonius (the future triumvir and future husband of Fulvia), and P. Valerius Nepos (cf. Asc. 34C; otherwise unknown) – spoke for two hours. C. alone replied, giving the speech that, in revised form, would become the *Pro Milone* that we read today (Asc. 41C).

C.'s defense was met by the shouts and jeers of the Clodians – even Pompey's troops could not keep them silent. This perhaps confounded C. to some degree: Asconius says that "he spoke with less than his usual constancy" (*non ea qua solitus erat constantia dixit*, 42C). The tale of C.'s fear seems to have grown in the telling; authors like Plutarch and Dio claim that he could only stammer through a few words of an unavailing defense speech.[74] These later reports are almost certainly embellishments and exaggerations, but they perhaps contain a core of truth. All are agreed that C.'s delivered speech was not effective. Milo was condemned. The vote was thirty-eight to thirteen (Asc. 53C).[75]

The following day Milo was tried *in absentia* on the charge *de ambitu*. The elder Appius again led the prosecution; Milo was again convicted. A few days later Milo was likewise convicted under the *lex Licinia de sodaliciis*.

be drawn, C.'s handling of witness testimony in the *Mil.* at least does not appear different from his practice elsewhere.

[73] For the location of the trial, admittedly not completely certain, see §67n. *te enim appello, et ea uoce ut me exaudire possis.*

[74] Plut. *Cic.* 35.5, Dio 40.54.2 (cf. perhaps 46.7.2); on these accounts, see Fotheringham 2015. Note that Dio claims that C.'s prosecution of Plancus was no better than his defense of Milo (40.55.4) – but for C. the unanimous conviction of Plancus was a point of particular pride (see below)! C. himself seems to refer to the delivered speech without apology at *Opt. Gen.* 10 (cf. La Bua 2014), although he does make special mention of the presence of soldiers.

[75] Asconius reports that twelve senators voted to convict, six to acquit (eighteen total), thirteen *equites* to convict, four to acquit (seventeen total), thirteen *tribuni aerarii* to convict, three to acquit (sixteen total). The totals from each order should be equal (seventeen); either Asconius is inconsistent or there is some textual corruption. The same discrepancy occurs in the case of M. Saufeius (Asc. 55C).

Finally, Milo was once more indicted *de ui*, this time under the *lex Plautia*.[76] He was yet again convicted. He went into exile at Marseilles almost immediately, and his property was sold off (Asc. 54C).[77]

Trials in connection with Clodius' death continued (Asc. 54–6C). M. Saufeius, Milo's lieutenant who had taken the lead in dragging Clodius from the inn at Bovillae and finishing him off, was tried under the Pompeian law *de ui*. M. Caelius and C. defended; Saufeius was acquitted by a single vote.[78] He was then prosecuted under the *lex Plautia de ui*, with the charge dressed up by several additional accusations, and was acquitted by a larger margin (thirty-two to nineteen); C. again spoke in his defense. Sex. Cloelius was condemned in connection with the burning of the Senate House; he went into exile. After the tribunes left office (10 December 52), C. himself prosecuted T. Munatius Plancus Bursa and secured his unanimous conviction; M. Caelius successfully prosecuted Q. Pompeius Rufus. Metellus Scipio and Hypsaeus both faced prosecutions *de ambitu* in connection with their campaigns for the consulship: Scipio was saved by being made Pompey's co-consul (and so immune from prosecution) in August or September; Hypsaeus was thrown over entirely by Pompey and condemned.[79] Asconius (56C) reports that there were many other trials besides – we know of more than a dozen from 52–51 BC under the *leges Pompeiae*[80] – and he claims that the Clodians lost most of them. C. himself was kept busy in the courts (*Fam.* 7.2.4; cf. *Brut.* 243 *illius iudicialis anni*).

[76] Or just possibly under the *lex Cornelia de sicariis et ueneficiis*, as argued by Clark 1895: 117; cf. Marshall ad Asc. 54C *de ui*.

[77] The details of how Milo's property was auctioned (and C.'s role in those transactions) are complex and to some degree uncertain; see Lintott 1974: 76–8, Marshall ad Asc. 54C *bona eius ... uenierunt*.

[78] M. Saufeius (*RE* 6) is known only from his appearances in Asconius; a family of that name was prominent at Praeneste (see Syme 1964: 121, Wiseman 1971: 259). His name shows that he was not a slave (contra Forschner 2015: 7–8; Roman slaves had only a single name), although he was some sort of commander of Milo's slaves (*fuit antesignanus seruorum eius M. Saufeius*, Asc. 32C).

[79] For the date of Metellus Scipio's suffect consulship, see Ramsey 2016: 318 n. 73; for Hypsaeus' abandonment by Pompey, cf. Val. Max. 9.5.3.

[80] Admittedly not all were connected with Clodius' death, and not all are certain: *TLRR* 309 (Milo *de ui* [= our trial]), 310 (Milo *de ambitu*), 313 (Saufeius *de ui*), 315 (Cloelius *de ui*), 316 (Dolabella *de ui* [?]), 319 (Scaurus *de ambitu* [?]), 320 (Memmius *de ambitu* [?]), 321 (Metellus Scipio *de ambitu*), 322 (Hypsaeus *de ambitu*), 323 (Sestius *de ambitu* [?]), 327 (Plancus *de ui*), 328 (Pompeius Rufus *de ui*), 329 (Valerius Messalla *de ambitu*), 330 (M. Calidius *de ambitu*), 332 (Servaeus [?] *de ambitu*), 333 (Claudius Marcellus *de ambitu*), 334 (Sempronius Rufus *de ui* [?]), 335 (M. Tuccius *de ui*), 341 (Ap. Claudius Pulcher [the younger of Clodius' Appii nephews?] *de ui*).

Clodius' death on the Appian Way and its fallout dominated Roman political life for over a year. Its repercussions affected every major public figure of the day, and even Julius Caesar, who was spending the off-campaign season south of the Alps, had to keep his eye on the proceedings. In the intercalary month of 52, in the midst of all the chaos at Rome, C. made a trip north to see him at Ravenna. C. agreed to persuade the tribune M. Caelius Rufus to support Caesar's candidacy for the consulship *in absentia* (*Att.* 7.1.4). He was apparently trying to win favor with Pompey, who was at that time still on good terms with Caesar, hoping that this could help Milo's cause.[81] Shortly after the promulgation of Pompey's laws, the ten tribunes promulgated a law in support of Caesar, and the bill passed (Caes. *Civ.* 1.32.3). But Pompey remained hostile to Milo, and Caesar would be called away to deal with the revolt of Vercingetorix in Gaul. He was to be kept busy pacifying the province until October 51.[82]

Milo and Caelius reunite for a final cameo appearance in the civil war between Pompey and Caesar. In February–March 48, with the Pompeians having withdrawn to Greece and Caesar in control of Italy, they join forces in a rebellion against Caesar's troops in Lucania in southern Italy. (Caesar himself was far away in the East mopping up after Pharsalus.) The previous year Caesar had recalled most of those exiled under Pompey's laws – but not Milo, who was excluded by name.[83] Milo perhaps despaired of ever returning to Rome, a return that he desperately wanted (Vell. 2.68.2, Dio 40.54.4). Caelius, who owed his praetorship to Caesar, had been stripped of his office and barred from the senate when he tried to overturn Caesar's financial measures by proposing relief for debtors (*MRR* II.273). Whatever their motives and whatever their means, Milo and Caelius failed utterly and were both killed in their attempt at revolt (Caes. *Civ.* 3.20–2, Dio 42.22–5).

[81] The interpretation of Lintott 1974: 73.
[82] See Ramsey and Raaflaub 2017: 186.
[83] Dio and Appian both claim that after becoming dictator in 49, Caesar restored all the exiles except Milo (Dio 41.36.2, 42.24.2, App. *BC* 2.48; cf. Cic. *Att.* 10.4.8 [14 Apr. 49, reporting Curio's words: *in primis nihil esse certius quam ut omnes qui lege Pompeia condemnati essent restituerentur*]); Suet. *Jul.* 41.1 and Plut. *Caes.* 37.2 are vaguer. Nevertheless, it is clear that Milo was not the only person excluded from this recall: Sex. Cloelius, condemned under the *lex Pompeia de ui* (see above), was only recalled by Antony's production of Caesar's *commentarii* after the latter's death (Kelly 2006: 199 with sources and discussion). Caesar exercised his *clementia* in restoring exiles en masse on several occasions: cf. Dio 43.27.2, App. *BC* 2.107, *Phil.* 2.98. Brief discussion of Caesar's recalls in Kelly 2006: 127–8, *MRR* II.258. (Oddly, an unnamed *quidam* reports that Caesar complained specifically about the injustice of Milo's exile *per uim*: *Att.* 9.14.2 [24 or 25 Mar. 49]. Perhaps this report is unreliable.)

3 HISTORICAL TIMELINE

3 January 106	C. born at Arpinum.[84]
80	C.'s successful defense of S. Roscius.
75	C. quaestor in Sicily.
70	C.'s successful prosecution of C. Verres.
69	C. curule aedile.
66	C. praetor.
63	C. consul.
October 63–January 62	Catilinarian conspiracy and C.'s execution without trial of five conspirators (5 December 63).
December 62–May 61	Clodius embroiled in the Bona Dea scandal.
59	Clodius adopted into a plebeian family (with assistance of Caesar and Pompey).
58	Tribunate of Clodius.
March 58	Clodius passes law exiling those who executed Roman citizens without trial. C. leaves Rome to go into exile.
Late spring 58	Clodius and Pompey fall out. Clodius opposes Pompey's Eastern settlement. Clodius kidnaps Pompey's prisoner Tigranes; M. Papirius, an associate of Pompey's, is killed on the Appian Way trying to get him back.
1 June 58	The tribune L. Ninnius, with the support of Pompey, proposes a bill to recall C. from exile. Vetoed by tribune Aelius Ligus.
11 August 58	Clodius supposedly orchestrates assassination attempt on Pompey; Pompey shuts himself up in his house for the rest of the year.
29 October 58	Eight of the tribunes propose a law to recall C.; Clodius vetoes.
57	Milo tribune.
1 January 57	The senate discusses a new tribunician bill to recall C.; the tribune Serranus obstructs progress.

[84] A useful chronological compendium of events in C.'s life, with copious primary and secondary sources, is Marinone and Malaspina 2004. For the chronology of the events surrounding Milo's trial, see "Historical Background" above; for detailed discussion of the years 58–56, see Kaster 2006: 393–408. The events of a given year in the late Republic and our sources for them are clearly laid out at https://attalus.org; for a narrative history of the period, see e.g. *CAH*² IX.

23 January 57	The new recall bill comes to a vote; violence ensues and blocks its passage by the popular assembly.
Early 57	Milo indicts Clodius under the *lex Plautia de ui*. Trial blocked by legal maneuvering. Milo mobilizes his own gangs.
February–July 57	Continued violence. Backed by Pompey, the consul Lentulus proposes and the senate passes a decree to restore C. and his property.
4 August 57	The bill to recall C. is passed by the centuriate assembly.
5 August 57	C. lands at Brundisium.
4 September 57	C. re-enters Rome.
3 November 57	Clodian gangs damage C.'s house and set fire to Quintus Cicero's house.
11 November 57	C. attacked by Clodian gangs on the Via Sacra.
12 November 57	Milo's house assaulted by Clodian gangs.
After 23 November 57	Milo again indicts Clodius *de ui*. Again legal and political maneuvering obstructs the trial, and Clodius gains immunity by being elected to the aedileship.
56	Clodius curule aedile.
February–May 56	Clodius prosecutes Milo in a *iudicium publicum* for misconduct as tribune. The case is ultimately dropped.
5 April 56	C. opposes Caesar in the senate concerning a bill to resettle Caesar's veterans in Campania.
April 56	Conference at Luca. Clodius and Pompey reconciled. C. pressured to back Caesar, Crassus, and Pompey, and does so.
55	Praetorship of Milo.
53	Milo seeks consulship for 52; Clodius seeks praetorship. Violent clashes between Clodius' and Milo's supporters prevent elections; in one incident on the Via Sacra, C. himself is at risk. Clodius attacks Milo for his debts in a senate speech; C. responds with the *De aere alieno Milonis*.
18 January 52	C. Sallustius Crispus and Q. Pompeius Rufus hold *contiones* at Rome. In the afternoon, Clodius' and Milo's partisans clash on the Appian Way near Bovillae; Clodius is killed. His

	body is brought back to Rome that evening. A crowd gathers at Clodius' house.
19 January 52	Clodius' body cremated in the Senate House. The Senate House burns. The senate meets on the Palatine that afternoon and appoints M'. Aemilius Lepidus *interrex*. Milo returns to Rome that night.
22 January 52	Milo tries to visit Pompey and is rebuffed.
23 January 52	*contio* of Q. Pompeius Rufus opposing Milo.
ca. 27 January 52	*contio* of M. Caelius Rufus on behalf of Milo.
1 February 52	*senatus consultum ultimum* passed.
ca. 18 February 52	Q. Metellus Scipio speaks against Milo in the senate.
ca. 1 Intercalaris 52	Ap. Claudii (Clodius' nephews) argue before Pompey that Milo's slaves should be handed over for interrogation under torture.
ca. 14 Intercalaris 52	C. goes to visit Caesar at Ravenna to discuss the latter's proposal to stand *in absentia* for consulship.
24 Intercalaris 52	Pompey elected sole consul.
26 Intercalaris 52	Pompey proposes in the senate laws *de ui* and *de ambitu*.
ca. 27 Intercalaris 52	Discussion in the senate on the form of Milo's trial. Milo's ally Hortensius outmaneuvered by Q. Fufius Calenus and the tribunes C. Sallustius Crispus and T. Munatius Plancus.
1 March 52	Promulgation of Pompey's laws. *contio* of T. Munatius Plancus Bursa explaining the results of the preceding day's senate session. M. Caelius Rufus threatens to veto Pompey's laws.
Early March 52	In the face of Pompey's armed opposition, M. Caelius Rufus withdraws his threatened veto.
ca. 7 March 52	Pompey dismisses the senate supposedly out of fear of Milo's arrival.
ca. 13 March 52	After being accused by P. Cornificius of coming to the senate with a weapon, Milo strips bare to prove that he is unarmed.
ca. 14 March 52	*contio* of T. Munatius Plancus Bursa.
ca. 15 March 52	*contio* of T. Munatius Plancus Bursa and Q. Pompeius Rufus.
Late March 52	Further *contiones*.

ca. 18 March 52	Pompey's laws passed in the assembly.
ca. 20 March 52	L. Domitius Ahenobarbus elected *quaesitor* for Pompey's court *de ui.*
ca. 21 March 52	Milo indicted under the *lex Pompeia de ui, lex Pompeia de ambitu,* and *lex Licinia de sodaliciis.*
Late March 52	*diuinatio* to determine Milo's prosecutor in the case *de ambitu;* the elder Ap. Claudius Pulcher chosen.
4 April 52	Milo summoned to appear in courts *de ui* and *de ambitu.* Case *de ambitu* postponed; preliminaries in the case *de ui* begin immediately.
5 April 52	First day of hearing witnesses in Milo's trial *de ui.* Testimony of C. Causinius Schola. M. Marcellus prevented from cross-examining by threat of violence; flees onto Domitius' tribunal. Pompey promises to send an armed guard to keep the peace.
6–7 April 52	Further witness testimony, with Pompey's soldiers keeping order. Court adjourns late in the afternoon on 7 Apr.; T. Munatius Plancus Bursa immediately holds a *contio* to encourage the Clodians to turn out in force the next day.
8 April 52	Closing arguments in Milo's trial (i.e., C.'s delivered speech *Pro Milone*). Milo convicted.
9 April 52	Milo convicted *de ambitu* (*in absentia*).
ca. 12 April 52	Milo convicted *de sodaliciis* and under the *lex Plautia de ui* (*in absentia*).
ca. 13 April 52	Milo's consigliere M. Saufeius acquitted of a charge under the *lex Pompeia de ui.*
ca. 14 April 52	Milo leaves for exile in Massilia.
ca. 19 April 52	M. Saufeius again acquitted of a charge *de ui,* this time under the *lex Plautia.*
April 52–May 51	Trials of Sex. Cloelius, P. Plautius Hypsaeus, T. Munatius Plancus Bursa, Q. Pompeius Rufus, and others under the *leges Pompeiae.*
May 51	C. leaves for his province of Cilicia.
24 November 50	C. returns from Cilicia, landing at Brundisium.
January 49	Caesar crosses the Rubicon; civil war. C. will reluctantly side with Pompey.
48	Milo and M. Caelius die in an uprising against Caesar in southern Italy.

4 ARGUMENT AND OUTLINE OF THE SPEECH

The proper layout (*dispositio*) of a speech was extensively theorized by Greek and Roman rhetoricians.[85] The *Pro Milone* conforms to ancient precepts remarkably well; its clear structure is one of the reasons that it has often been called a "perfect" or "ideal" speech.[86]

By the year 52 BC, however, C. was hardly an unthinking follower of rhetorical manuals; he was indeed sharply critical of blind adherence to rhetorical doctrine.[87] The mature C. tried to adapt every aspect of his speeches to the needs of the case at hand. And so if the *Pro Milone* shows textbook structure, perhaps C. simply found the standard layout of the rhetorical manuals well adapted to this particular case.[88] Perhaps, however, as Jakob Wisse has suggested, the textbook form of this speech actually helps persuade the audience. In and of itself, C.'s case was weak.[89] By redirecting attention away from his controversial and contested claims, which must have been well known,[90] C. can focus on convincing his listeners that he is "proving" a rational argument, carefully sign-posting each part of his speech for an audience intimately familiar with rhetorical conventions. Thus if you accept C.'s premises, then his conclusions must follow. And C. is careful to repeat those premises so often that they might come to seem true and you might forget that they are little more than bald assertions. Such a strategy is all the more sensible because the prosecution agreed that there had been an ambush; they simply claimed that Milo had set it (Asc. 41C). Why live in the

[85] Comprehensive testimonia in Lausberg §§260–442.

[86] Cf. e.g. May 2001: 134: in the published *Mil.* it may have been "Cicero's intention to present to posterity the ideal speech of the ideal orator"; references to earlier such judgments in Dyck 1998: 219–21; similar sentiment for other reasons in Berry 1993a ("Cicero's masterpiece").

[87] Especially in the *De orat.*, published in 55; see further Wisse 2007.

[88] The argument that the "textbook" layout is a sign that the published version of the speech is a rhetorical exercise intended for the studious youth is unpersuasive: as Wisse 2007: 61 objects, why would C. deliberately provide an unrealistic and ineffective model? (Further Classen 1982: 185–6; cf. Winterbottom 1982, on the admitted lack of realism of some Roman rhetorical teaching – but declamatory pirates and the like are in a completely different category.)

[89] C. seems later to acknowledge this, commenting on the motives for his defense (*Att.* 9.7.3, 13 Mar. 49): *beneficium sequor ... non causam, ut in Milone.*

[90] By the time they listened to C.'s speech, the jurors had already heard three days of hostile witness testimony and the prosecution's closing arguments, and the prejudices mentioned in §§7–22 must have been widely held if C. felt the need to refute them explictly. Furthermore, the fact that the skirmish between Clodius' and Milo's partisans broke out by chance seems to have been well known: cf. e.g. Asc. 41C, 53C (implying that the jurors likewise held this opinion), Quint. *Inst.* 6.5.10, Schol. Bob. 111.24–8 St.

messy reality of Clodius and Milo stumbling on each other by chance when the prosecution offered up a much more comfortable hypothetical world of a deliberate ambush set by one side or the other?[91] Here was a battleground on which C. may have felt that his best defense lay in textbook reasoning and logic.

Regardless of C.'s motives for his textbook arrangement, the *Pro Milone* can be profitably analyzed according to ancient rhetorical theory. His chosen approach was something that ancient rhetorical theory called *relatio criminis*: Milo did the deed, C. says, but he was justified in doing so because he was forced into it by Clodius' crime, i.e., he acted in legitimate self-defense against an ambusher.[92] C.'s real task in the speech then is to prove that Clodius set an ambush for Milo, and this falls under the heading of a "conjectural case":[93] everyone agrees that either Milo or Clodius set an ambush for the other. The only question is who set an ambush for whom. If Clodius set the ambush for Milo, then Milo's (freely

[91] Why did the prosecution try to prove "too much"? Lintott 1974: 75 thinks that it is because Pompey's law *de ui* must have required criminal intent (*dolus malus*). Perhaps it did (cf. §11n. *quae non ... uetat*), but Stone 1980: 91 seems right to object that (1) dragging Clodius from the inn clearly involved criminal intent, and the prosecution could have focused on that, (2) Milo could have been acquitted whether Clodius ambushed him or not, and so C. need not have tried to establish that Clodius was the ambusher, and (3) neither C. nor his commentators ever use the phrase *dolus malus* (less probative; in C.'s extant speeches the phrase appears only in the *Tull.*: *TLL* v.1.1862.46). Stone (1980: 92–3) thinks that the senate had decreed that an ambush had taken place (cf. §31 *insidias factas esse constat, et id est quod senatus contra rem publicam factum iudicauit*), and so both the prosecution and C. were constrained to argue on these terms. But Asconius tells us that the senate made a decree concerning the "killing" (*caedem*, 41C), not an "ambush"; C.'s words at §31 are probably rhetorically motivated (see notes ad loc.). It seems more likely that, because in the aftermath of the killing each side accused the other of plotting a deliberate ambush (Asc. 33–5C), and because these accusations had been leveled over months of very public debates, the terms of the dilemma were fixed in the public's mind and could not easily have been changed. Stone well observes that Milo may even have believed that he had been ambushed when he first made this claim in public a few days after Clodius' death (1980: 93 n. 27).

[92] On *relatio criminis*, see *Inv.* 2.78 *relatio criminis est, cum reus id quod arguitur confessus alterius se inductum peccato iure fecisse demonstrat*; cf. further Quint. *Inst.* 7.4.8 *in quo genere fortissimum est si crimen causa facti tuemur, qualis est defensio Orestis Horati Milonis*, Schol. Bob. 112.14–18 St., Lausberg §§179–80. Ancient rhetorical theory makes *relatio criminis* a subset of the *status qualitatis* (Lausberg §§161–96); Marsh 2012: 21–5 argues that it fits better under the *status finitionis* (Lausberg §§104–22), but this thorny theoretical question makes little difference for C.'s actual argument in this speech.

[93] For "conjectural case" and the rhetorical doctrine of "*status* theory," see §8n. *aut negari solere omnino esse factum aut recte et iure factum esse defendi* and the introductory note ad §§31–72; Wisse 2007 is an extensive discussion of *status* theory as applied to the *Mil.*

admitted) killing of Clodius was an act of justified self-defense: QED. At the end of his brief *exordium* introducing the case (§§1–6), C. makes this approach clear (§6):

> nisi oculis uideritis insidias Miloni a Clodio esse factas, nec deprecaturi sumus ut crimen hoc nobis propter multa praeclara in rem publicam merita condonetis, nec postulaturi ut, quia mors P. Clodi salus uestra fuerit, idcirco eam uirtuti Milonis potius quam populi Romani felicitati assignetis. sin illius insidiae clariores hac luce fuerint, tum denique obsecrabo obtestaborque uos, iudices, si cetera amisimus, hoc nobis saltem ut relinquatur, uitam ab inimicorum audacia telisque ut impune liceat defendere.

In the immediately following sections C. tries to dismantle certain prejudices that could be harmful to his client (§§7–22), and he again restates his main contention (§23 *reliquum est, iudices, ut nihil iam quaerere aliud debeatis nisi uter utri insidias fecerit*). He then presents his version of the brawl on the Appian Way (§§23–9). After restating yet again his theory of the case (§31 *num quid igitur aliud in iudicium uenit nisi uter utri insidias fecerit?*), in the bulk of the speech C. tries to prove that Milo could not possibly have set an ambush for Clodius, while Clodius easily could have set one for Milo (§§32–71). He thus has to establish means, motive, and opportunity, and he constantly compares Milo and Clodius under these headings. This done, he adds an additional (and unexpected) argument which does not seem to fit with his speech up to this point: although Milo did not deliberately set out to kill Clodius, C. says, if he had done so, he would have been justified, for Clodius' death was in the public interest (§§72–91).[94] This claim leads into an emotional *peroratio*, in which C. tries to win sympathy and pity for Milo (§§92–105).

An outline of the speech looks something like the following.[95]

1. *Exordium*: §§1–6
   a. The unusual circumstances of the trial.
   b. Attempts to secure the jurors' good will by various expedients.
   c. C.'s primary contention: Clodius set an ambush for Milo (§6).

[94] For the hypothesis that this section was not part of the delivered speech but rather added in revision, see "Revision and Publication" below.

[95] Most commentaries include some outline of the speech; especially helpful are Colson 1893: 123–8, Clark 1895: l–lvii (with references to the rhetorical manuals), Donnelly 1935: 13–19, and Fotheringham 2013: 22–3. The structure of the speech is also discussed in e.g. Neumeister 1962: 83–100, Berry and Heath 1997: 402–6, and Wisse 2007. While most scholars broadly agree on how to divide the speech, other analyses are possible; cf. e.g. Reid 1894: 151–5.

2. Preliminary refutation of *praeiudicia*: §§7–22
   a. *Praeiudicium* 1: "any confessed killer stands already condemned": §§7–11.
   b. *Praeiudicium* 2: "the senate has already decreed the killing *contra rem publicam*": §§12–14.
   c. *Praeiudicium* 3: "Pompey himself has already declared Milo guilty": §§15–22.
3. Transition: §23
   a. Summary of the foregoing refuted *praeiudicia.*
   b. Restatement of C.'s primary contention: either Clodius or Milo set an ambush.
   c. Introduction of the *narratio.*
4. *Narratio*: §§24–9: carefully calculated description of the run-up to the "battle of Bovillae" (§§24–8) and the fight itself (§29).
5. Transition: §§30–1
   a. Summary of the *narratio* and preceding arguments (§30–1).
   b. Another restatement of C.'s primary contention: all are agreed that an ambush took place. Who set the ambush for whom? (§31).
6. *Argumentatio* I: §§32–71
   a. Motive (*ex causa*): §§32–5.
   b. Character (*ex uita*): §§36–43.
   c. *Tempus*: §§44–51.
   d. Summary of the foregoing arguments: §52.
   e. *Locus* and other *signa*: §§53–6.
   f. *Locus communis contra quaestiones* (the value of slave testimony): §§57–60.
   g. *Consecutio* (Milo's behavior after the killing): §§61–3.
   h. *Locus communis contra rumores* (various rumors against Milo are baseless): §§64–6.
   i. Address to Pompey: §§67–71.
7. *Argumentatio* II (= *pars extra causam*): §§72–91: "Even if Milo had killed Clodius deliberately, he still would have been justified: Clodius' death was in the public interest."
8. *Peroratio*: §§92–105

Further brief discussions introducing each major section will be found in the commentary.

5 CICERO'S STYLE

It would be misleading to speak of C.'s "style" as if it were a unity. To say nothing of his letters and treatises, in his oratory C. embraced the full

resources of rhetoric and the contemporary Latin language, striving for the most effective and appropriate stylistic choices in each situation, i.e., the choices that he thought would best persuade his audience.[96] Thus within this speech – as within most of his speeches – he can seem rational or emotional, humble or authoritative, mordantly sarcastic or deadly serious; his language is sometimes colloquial, sometimes high-flown; he is equally at home delivering short sentences and long periods.[97] Adapting his rhetoric and language to the needs of the moment is how C. demonstrates his true stylistic mastery, and his frequent variation further helps keep his listeners attentive and interested. None of this artistry can be reduced to a formula or described in a few pages.[98]

Furthermore, lacking native speaker *Sprachgefühl*, sometimes we can reconstruct the effects of C.'s stylistic choices only by painstaking philological analysis. C. himself and his audience, on the other hand, would have naturally and often unconsciously felt these effects. That is to say, C. did not sit down one day and sprinkle some stylistic glitter on an otherwise unadorned text; he probably never said to himself, "Well, this is a fine sentence, but it would work better with a bit of alliteration and maybe a dash of asyndeton and a resolved cretic-trochaic clausula." Rather, after years of apprenticeship in the orators' guild, he was a supremely skilled artisan in complete control of his tools and materials, and he crafted his masterpieces with an intuitive knack honed by decades of experience. And when he did his job well, his artifices lay concealed by his artistry.

It is obviously not the case that C. convinces a jury by alliteration or ascending tricolons, but his choice of words and rhetorical figures and sentence structures does represent his attempt to express some idea in

[96] For close readings of the connections between C.'s style and his argument in the *Mil.*, see Neumeister 1962: 163–85, von Albrecht 2003: 182–97, and Fotheringham 2013: *passim.*

[97] Such variation is sometimes analyzed according to the ancient theory of three "levels of style" (*genera dicendi*), viz. the "plain," "middle," and "grand" (*genus subtile, genus medium*, and *genus grande*: for ancient testimonia and variant names, see Lausberg §§1078–82). This terminology tends to be reductive and is of limited use; it is not employed in this commentary. For discussion with earlier references, see von Albrecht 2003: 20–5.

[98] For fuller discussion of C.'s style, see esp. von Albrecht 2003; earlier detailed treatments include Lebreton, Parzinger 1911 and 1912, and Laurand. For those hardy enough to read German in Gothic type, Nägelsbach 1905 and Menge 1955 are full of useful (if sometimes overly prescriptive) observations about Ciceronian Latinity. In briefer compass, Dyck's introductory sections on style in his commentaries on the *S. Rosc.*, *Catil.*, and *Cael.* are gems of succinct exposition. On C.'s periodicity in particular, see Gotoff 1979. C. himself has plenty to say about stylistic virtues and vices in his rhetorical works, although how those theoretical remarks map onto his oratorical practice is less clear.

the most persuasive possible way. This commentary thus pays particular attention to details of style and language and how they contribute to C.'s argument: C.'s style is inseparable from his message.[99] Furthermore, if the sober commentator is allowed to express an aesthetic judgment – and here he feels somewhat like A. E. Housman daring a remark on Horace's *diffugere niues*[100] – C.'s prose is a thing of beauty and worthy of appreciation in its own right (cf. e.g. Quint. *Inst.* 10.1.112).

5.1 "Periodic" Sentences

In lieu of a general treatment of C.'s style, the rest of this section focuses on C.'s (in)famous "periodic" sentences, which tend to pose particular challenges for students, and a couple of their concomitant features, namely word order and prose rhythm.[101] But before students dive into the details that follow, they should really be told an inconvenient truth: if you do not know 95–8 percent of the vocabulary in a given passage, you almost certainly cannot read and understand it.[102] Of course you can still extract meaning from it with the help of dictionaries and commentaries like this one, and you can certainly *re*read it with understanding once you know the words, but no one should pretend that understanding the theoretical structure of a Ciceronian sentence (or even its grammar) will really help you understand its meaning if you do not already know its vocabulary. And this is probably the biggest reason that C.'s rolling periods can be so confounding for students. Trying to read a lengthy and complex sentence while looking up every third word – and remember, "knowing" a word means sensing in an instant which of its various meanings is right for this one context – is like trying to juggle nine balls when you can really only handle three: you are probably going to drop one almost immediately,

[99] So rightly emphasized by von Albrecht 2003: 244.

[100] As reported by an undergraduate, Housman concluded a May 1914 lecture on Hor. *Carm.* 4.9 like this: "'That,' he said hurriedly, almost like a man betraying a secret, 'I regard as the most beautiful poem in ancient literature,' and walked quickly out of the room." A fellow undergraduate commented: "I felt quite uncomfortable. I was afraid the old fellow was going to cry." For the story, see e.g. Brink 1986: 163.

[101] This introductory section thus does not discuss other important stylistic topics, like C.'s word choice and his use of rhetorical figures; readers interested in such topics can find them in the commentary through the index.

[102] This truth, while universally accepted in contemporary Second Language Acquisition research (see e.g. Schmitt *et al.* 2011), sometimes meets with resistance from classicists; for some reflections on the challenges of Latin vocabulary and other obstacles to reading Latin, see Keeline 2019a, 2019b: 60–1.

which is going to make you drop another one, and the next thing you know, all the balls are on the floor. *Caueat lector!*

So what is a "period"? It is actually surprisingly hard to define, and some have questioned whether it is even a useful category.[103] Most of us, however, can probably borrow Justice Potter Stewart's words and just say: "I know it when I see it." But "period" is not simply a synonym for "long sentence," nor does it merely mean a sentence that is not over until it is grammatically complete – that is necessarily the case for most sentences. More precisely, a periodic sentence is one in which listeners (or readers) have to hold various elements in a kind of tension which is resolved only at the end of the sentence, at which point sense and syntax simultaneously snap into focus. This sounds much harder than it really is, or at any rate than it would have been for an ancient audience of native speakers. C. was speaking and writing to be understood, and he shapes his periods accordingly.[104] In a period arranged with even moderate skill, expectations are constantly being created, and so an audience who understands the language will usually have a reasonable idea of how the sentence will develop. (Of course such expectations are sometimes frustrated for rhetorical effect!) The unresolved tension in the period simply helps hold the listener's attention and interest until the end. There is thus a delicate interplay between tension and release, anticipation and fulfillment, and C. also constantly introduces *uariatio* so that his sentences do not fall into mechanical monotony.

An example chosen at random will illustrate some of this theory in practice (§24):[105]

> P. Clodius, cum statuisset omni scelere in praetura uexārĕ rēm pūblĭcām uideretque ita tracta esse comitia annō sŭpĕrĭōrĕ ut non multos menses praeturām gĕrĕrĕ pōssēt, qui non honoris gradum

[103] So Adams *et al.* 2005: 7–13. For ancient attempts to define the characteristics of periodic construction, see Lausberg §§923–47 and Adams *et al.* 2005: 13–14.

[104] A first principle of interpretation is that C.'s meaning should have been easily grasped by his original audience. If under a particular interpretation it would not have been, then we should consider whether our interpretation (or the text it is founded on) is correct. If even then C. seems obscure, his obscurity is probably deliberate, and the underlying reasons for that will themselves merit attention (cf. e.g. §27n. *quae illo ipso die habita est*).

[105] Neumeister 1962: 168–71 also discusses this sentence, oddly claiming that it is not, strictly speaking, a period ("keine Periode im engeren Sinne des Wortes: ein aus concinnen Satzteilen aufgebautes und auf diese Weise rhythmisch gegliedertes Gebilde"); briefly Fotheringham 2013: 200. For the prose rhythm of the sentence (highlighted here by the longs and shorts), see section 5.3 "Prose Rhythm" below; for further points of detail, see §24nn.

> spectārĕt, ūt cētĕrī, sed et L. Paullum collegam ēffŭgĕrĕ uēllēt, singulārī uīrtūtĕ cīuēm, et annum integrum ad dilacerandam rem pūblĭcām quaērĕrēt, subito relīquĭt ānnūm sŭūm seseque in prōxĭmūm trānstŭlīt, non, ut fit, religione aliqua, sed ut haberet, quod īpsĕ dīcēbāt, ād praētūrām gĕrēndām, hoc est ad euertēndām rēm pūblĭcām, plēnum ānnum ātque īntĕgrūm.

A long sentence, to be sure – eighty-two words – and one with a goodly number of subordinate clauses to boot. But observe the expectations: *P. Clodius*, the first words, are nominative and so doubtless the subject. The first tension is reached with the next word, which is not the main verb but *cum*; the audience will thus anticipate an eventual main verb. (Not a trivial anticipation in this case: they will be kept waiting for forty more words.) Moreover, whether read on the page or heard in the Forum, *cum* will be "chunked" with what follows; here *cum* is followed immediately by a verb in the subjunctive, and the audience will assume that its subject, like the subject of the main clause, is probably *P. Clodius*. A cloud of possible meanings for such a *cum*-clause begins to hover in the reader's consciousness. Native speakers would further perceive immediately that *statuisset* requires some kind of object (here it will be a prolative infinitive), and so another tension is created. The ablative *omni scelere* also must go with something, ditto *in praetura*: when *uexare* is reached, the construction of all the foregoing words becomes clear – and the expectation of a direct object is raised, which is immediately fulfilled by *rem publicam*. So this subordinate clause itself is a period in short compass.

More briefly for the rest of the sentence: with the following *uideretque*, we understand that the construction of the *cum*-clause is being continued. *ita tracta esse* sets up an eventual *ut*-clause. *qui non* correlates closely with *sed*, and *sed* straightaway bifurcates into two reasons: *et* before *L. Paullum* implies another *et* to follow. With *reliquit annum suum* we arrive at last at complete syntax and meaning and so the end of the period – but C. immediately tacks on *seseque* and another parallel clause. Nor does he stop there: as with the earlier *qui non* ... *sed*, the *non* following *transtulit* sets up a contrasting *sed* to follow. The ablative *religione aliqua* provides a rejected reason; the real reason, logically parallel but in a grammatically different construction, is given by *ut haberet*. The object of *ut haberet*, however, is suspended through a series of short relative clauses as C. builds the tension within this mini-period and continues to damn Clodius, until at last the tension is released by the weighty doublet *plenum annum atque integrum*.

C. is careful not to lose the listener in this long sentence. The grammatical subject of all the conjugated verbs, *P. Clodius*, is placed prominently first, and it never disappears from the audience's minds. Even though it

takes forty more words to reach the main verb, its subject has never been in doubt. The subordinate clauses are well balanced; that is to say, they are of similar length and grammatical structure and importance. When they are not, as in the contrast between the short ablative *religione aliqua* and the long purpose clause *ut haberet ... plenum annum atque integrum*, form matches content: C. is deliberately brief in his dismissal of a legitimate reason why a candidate might postpone his campaign so that he can dilate at length on Clodius' nefarious "real" purpose in his culminating conclusion. (So too with the contrast between *qui non honoris gradum spectaret* and the more substantial and much more damning allegations following *sed et ... et.*) Even the sonic contour of the sentence underscores its development: almost every division is marked by a preferred rhythmic clausula, on which see section 5.3 "Prose Rhythm" below.

And what has C. gained by all this? His main clause reports a simple fact, namely that Clodius postponed his campaign for the praetorship to the following year. And yet that main clause is almost the least important part of the sentence. The real weight falls on the subordinate clauses, where Clodius' apparently dastardly motivations for deferring his campaign are emphasized and re-emphasized. From the very first clause we are given a picture of a blackguard bent on overthrowing the Republic, and it is only after several more such clauses that we even get to the statement of fact – and rather than stopping there, C. continues immediately with more damning assertions, even repurposing Clodius' own words to support his interpretation of Clodius' actions. He is constantly combining reasonable assertions with prejudicial interpretations. (Fact: the elections had been delayed. Fact: the praetors would not have much time in office. Non-fact: Clodius wanted to avoid having L. Paullus as a colleague. Non-fact: Clodius wanted a whole year to destroy the Republic. Alternative view that goes unmentioned: any praetor might have wanted more than a few months in office!) Thus while notionally conveying straightforward information and perhaps building gradual agreement in the minds of his listeners, C. is actually damning Clodius repeatedly in the blackest terms. The structure of this sentence and its meaning are entirely bound up in each other, and this is true of C.'s artistic prose more generally. If we want to understand what C. is saying, we have to understand how he says it.[106]

[106] This section may give the impression that C. only writes long sentences, but such sentences are just one part of his rhetorical arsenal. The *Mil.* features any number of effective short sentences; for some examples and analysis, cf. e.g. §§59–60 with notes. (C. admittedly does seem to specialize in long sentences: the average length of the first thirty sentences in the *Mil.* is 29.5 words, and the average length of the first thirty sentences of his speeches from 57–52 BC is around

5.2 *Word Order*

A typical period, as we have seen, has not only a satisfying close at the end, but also various members (cola), which themselves can constitute mini-periods and often feature rhythmic pauses at their completion. These members themselves are artistically arranged to produce a cumulative effect. Within a member too, the words are arranged for maximum rhetorical effect. A verb often gravitates to near the end, which is one way of building tension – very few clauses can be logically or syntactically complete until the verb is reached – and emphatic elements are often placed first. Hyperbaton, or separation of words that logically and syntactically belong together, is another way of conveying emphasis. This is not the place for a full-scale treatment of Latin word order, but the commentary tries to pay attention to this topic, and particularly to deviations from what one might expect: such marked language would have carried meaning to C.'s original audience and so should for us today as well.

One particular aspect of Latin word order is given fuller explanation here, as it comes up fairly frequently in the commentary and most students will not be familiar with it. Some readers may know of "Wackernagel's Law," which is "a generalization referring to the tendency of certain enclitics and postpositives to occur second within their clause or sentence."[107] Clear examples of this phenomenon in classical Latin include the position of the words *autem* and *enim*: these little words almost invariably stand in an unemphatic second position within a member. Many scholars in the twentieth century thought that unstressed personal pronouns (e.g. *mihi*) and forms of the verb *esse* (e.g. *est*) fit the same mold. These words are indeed often found in second position, and if they were simply "Wackernagel enclitics" then that would explain their placement.

In two publications in 1994, however, J. N. Adams showed that forms of the copula and auxiliary verb *esse* and unstressed personal pronouns do *not* follow Wackernagel's Law and do not simply gravitate to second position within a clause.[108] Instead, these enclitics are often closely joined with the "focus" of the clause, which tends to serve as their host (i.e., they immediately follow, or "cliticize on," the focused word).[109] The "focus" of a sentence is a new or unexpected or contrasting or somehow important

26.5 words [Johnson 1971: 67]. Even granting that sentences in *exordia* tend to be longer than, say, sentences in *narrationes* [cf. von Albrecht 2003: 123], no one would mistake C. for Seneca the Younger.)

[107] Goldstein 2013. The law is first formulated in Wackernagel 1892.

[108] Adams 1994a treated *esse*, Adams 1994b unstressed pronouns.

[109] Adams puts it slightly differently, claiming that these enclitics focus the preceding word. This distinction makes little difference for the present commen-

piece of information; informally but inexactly, it often corresponds to "emphasis."[110] In English focus is marked by intonation: "I'm painting the living room *blue*" is typical (i.e., blue as opposed to green). But other focuses are possible: "I *am* painting the living room blue" (in response to a "surely you're not?" question) or "I'm painting the *liv*ing room blue" (as opposed to the bathroom).[111]

C.'s intonation is of course very difficult to recover, but fortunately Latin also uses other means to indicate focus. One of these is word order: for example, the first word of a sentence often carries the focus. (And so the fact that *esse* and unstressed personal pronouns often appear in second position is probably epiphenomenal.) Such first-word focus is most obvious when a word has been deliberately "fronted." So in §46 *Milo de Clodi reditu unde quaesiuit?*, where the subject of the sentence and a major phrase have been pulled before the word introducing the question (*unde*), Milo is focused by contrast to the foregoing description of Clodius and his supposed knowledge of Milo's travel plans.[112] Likewise, for example, §54 *Pompeium ut uideret?*, where the fronted object ("was it Pompey he wanted to see?") points up C.'s feigned incredulity, or §36 *ego, iudices, cum maerentibus uobis urbe cessi*, where *ego* is clearly focused by its initial position, its placement before the vocative *iudices*, and indeed the fact that it is used at all. The commentary often remarks on such fronted words and phrases, as well as on word order more generally, since its flexible word order is a powerful way Latin has to convey information and shape the listener's or reader's understanding of a sentence.

Adams showed that the placement of words like *esse* is another way that we can recover the focus of a Latin sentence. So, to borrow one of his examples: *nauigatio perdifficilis fuit*, "sailing was *very difficult*"; *nauigatio fuit perdifficilis*, "*sailing* was very difficult (*sc.* e.g. but not travel by land)"; *fuit nauigatio perdifficilis*, "sailing *was*, I grant you, very difficult" and so forth.[113] Adams likewise made numerous observations about the types of words that tend to be focused, such as adjectives of size and quantity or relative pronouns or antithetical terms. Taken together, his findings help

tary, but it seems more likely that these enclitics gravitate to the focused word because of some prosodic or other property of the focus or clause structure.

[110] The focus does not have to be emphatic: in the unmarked Engl. "I saw John at the store yesterday," "John" is focused without any necessary emphasis. But in this commentary, when attention is drawn to a Latin word carrying the focus of a sentence, that word tends to be emphasized as well.

[111] Examples from Adams 1994a: 18–19 with slight modification.

[112] A version of this can be done in English too: "John, he's the one I saw" (and even more commonly in French; cf. e.g. "moi, je ne suis pas d'accord").

[113] Adams 1994a: 84.

us better understand C.'s word order and the precise nuances that he is communicating, and the commentary tries to pay attention to those shades of meaning. So, for example, in §16 *quem immortalem, si fieri posset, omnes esse cuperent*, the verb *esse* shows that *omnes* is focused: *everyone* wanted Africanus to live forever. So too is *omnium* strongly focused at §14 *nihil enim necesse est omnium me flagitia proferre*; likewise *omnes* at §68 *omnes tibi rei publicae partes aegras et labantes ... esse commissas*. Or at §97 *amplissimum esse praemium gloriam*, the word order shows that *amplissimum* is emphatically focused, adding to its superlative force. Or in §6 *obsecrabo obtestaborque uos, iudices, si cetera amisimus, hoc nobis saltem ut relinquatur*, the phrase *hoc nobis saltem* is fronted before *ut*, and the focus of *hoc* is further underscored by the unemphatic pronoun *nobis* (and the adverb *saltem*): "that *this* at least be left for us." Indeed, knowing these tendencies can also help us understand when a pronoun is *not* an enclitic related to the focus of a sentence: so in §20 *ex quibus si me non uel mea uel rei publicae fortuna seruasset, quis tandem de interitu meo quaestionem tulisset?*, it is unlikely that *si* carries the focus. Thus *me* is an emphatic pronoun and is itself focused: in the culmination of C.'s series of examples, he arrives at himself and his hypothetical death, placed in strong contrast to Clodius and his actual death.

5.3 Prose Rhythm

Another aspect of C.'s style that is less well known to students is his penchant for "artistic" prose rhythm.[114] Just as the meters of classical Latin poetry are quantitative – governed by patterns of long and short syllables – so too in Latin prose were certain patterns of longs and shorts (dis)preferred, especially at the ends of periods and cola. Ancient audiences had some aesthetic appreciation of such "clausulae," and clausulae also served as a sort of aural punctuation, helping listeners follow a delivered speech.[115] Extant Latin authors vary widely in their prose rhythm practices, but C.'s preferences, apparently taken over from the Greek canons of Hegesias (3rd cent. BC), were particularly influential.

For most of us today, C.'s rhythmic tendencies seem arbitrary and their effects impossible to perceive by ear. Add to those difficulties the rebarbative obscurity of metrical nomenclature, the variety and fluidity of the so-called artistic patterns, and the fact that to grasp rhythmic decisions at a glance requires a sure command of long and short syllables,

[114] The following discussion is largely based on Keeline and Kirby 2019, which should be consulted by readers interested in more details and further references.

[115] An audience at a *contio* was supposedly roused to spontaneous applause by a well-timed double trochee, if C. can be trusted (*Orat.* 214)!

and it is easy to see why most students shy away from prose rhythm. This commentary does not. But in the commentary prose rhythm is usually invoked only to explain some feature of word order or a textual decision, since these are cases where knowledge of C.'s rhythmic tendencies has an immediate interpretive payoff. More generally, however, even if most of us cannot "feel" its effects, we should at least be intellectually aware that prose rhythm was an integral part of an ancient audience's understanding and appreciation of C.'s words.

In general Latin prose is scanned like classical verse: the last syllable of a rhythmic colon is indifferent and always treated as long (in this commentary, a short open vowel ending such a colon – i.e. an instance of *breuis in longo*, "short standing in for long" – is marked with a ~ to distinguish it from a long vowel proper: *auctoritate pūblĭca ārmārẽ*), elision is usually in operation (in this commentary indicated by not marking a syllable's quantity: in *auctoritate pūblĭca ārmārẽ*, the final *a* of *publica* is elided), and so forth.[116] Readers should note that a short syllable is usually *not* lengthened by following mute + liquid (so *pătria*), while a short open vowel followed by *s impura* (*sc, sm, sp, sq, st, z*) usually *is* lengthened (i.e. *suā studia*, but cf. §27n. *difficile scire*).

All possible clausular patterns can arbitrarily but usefully be divided into the following categories (their approximate frequencies in the *Mil.* given in brackets):[117]

1. Cretic-trochaic: –⏑– –⏓ [24%]
   Resolved:
   a. ⏑⏑⏑– –⏓
   b. –⏑⏑⏑ –⏓
   c. –⏑– ⏑⏑⏓
2. Double cretic/molossus cretic: –⏑– –⏑⏓ or – – – –⏑⏓ [28%]
   Resolved:
   a. ⏑⏑⏑– –⏑⏓
   b. –⏑⏑⏑ –⏑⏓
   c. –⏑– ⏑⏑⏑⏓
   d. ⏑⏑ – – –⏑⏓
   e. –⏑⏑– –⏑⏓

[116] On elision and hiatus, see §5n. *spem ullam.*

[117] These numbers, counting clausulae before "heavy" punctuation (. ! ? : ;), are from Keeline and Kirby 2019: 175, where readers can also find computer-generated statistics for the prose rhythm practices of most extant classical Latin authors (and full discussion of methodology). The symbol ⏓ is used to indicate that the final syllable may be long or short, although as noted above, any short final syllable will be an instance of *breuis in longo.*

   f. – –⏑⏑ –⏑⏓
   g. – – – ⏑⏑⏑⏓
   h. –⏑– – –⏑⏓

3. Double trochee: –⏑–⏓ [27%]
   Resolved:
   a. ⏑⏑⏑–⏓
   b. –⏑⏑⏑⏓
4. Hypodochmiac: –⏑– ⏑⏓ [5%]
   Resolved:
   a. ⏑⏑⏑–⏑⏓
   b. –⏑⏑⏑⏑⏓
5. Spondaic: – – – ⏓ (no resolutions) [9%]
6. Heroic: –⏑⏑ –⏓ (no resolutions) [2%]
7. Miscellaneous (everything else) [5%]

The first four of these categories – cretic-trochees, double cretics, double trochees, and hypodochmiacs – are counted as "artistically" rhythmic and are sought out by C. as desirable.[118] (Out of deference to tradition, terms like "cretic-*trochaic*" and "double *trochee*" are here adopted, but since the last syllable of a period is indifferent and always treated as long [see above], "cretic-spondee" and "trochee-spondee" might be more logical.) The last three are "inartistic" and are disproportionately avoided by C. Within each category, resolution of a long into two shorts is allowed, although this commentary disregards the possibility of multiple resolutions within a single clausula.[119]

Knowledge of C.'s rhythmic practices can help us understand some of his decisions about word choice and word order that would otherwise remain mysterious or go overlooked. Consider, for example, C.'s proclivity for doublets (*plenum annum atque integrum*). These allow him to linger emphatically on some important idea, sometimes adding more nuance than one word alone could provide; at other times such doublets may be a simple manifestation of oratorical *copia*. And very often, somewhere among the constellation of unconscious causes that led C. to choose a form or a phrase, is the desire to secure a good clausula and/or to avoid a bad one. So, for example, at §23 *ut aliquando ad causam crimēnquĕ uĕnĭāmūs* ("to get to the real issue in this case at long last"), if C. had written *ad*

[118] Readers might reasonably wonder, in light of the low frequency of hypodochmiac clausulae, whether they should really be counted as "artistic." Such readers may be right (cf. Keeline and Kirby 2019: 164 n. 21), but Hutchinson 1995: 485–6 makes a good case for considering them "artistic."

[119] Discussion in Keeline and Kirby 2019: 164–5.

causām uĕnīāmūs (or *ad crimēn uĕnīāmūs*) he would have produced a heroic clausula, i.e. a hexameter ending, which he generally eschews. By writing instead a doublet connected with *-quĕ*, he secures a favorite resolved cretic-trochaic ("*ēssĕ uīdĕātūr*") clausula.[120] Or: in telling the same story in almost exactly the same words, at §26 C. writes *ēssĕ pĕrītūrūm* in clausular position (another resolved cretic-trochee), at §44 *periturum* (without *esse*) in the middle of a clause – the choice is probably due to rhythmic considerations.[121] Or: C. almost always writes syncopated *aūdīstī(s)*, almost never *aūdīuīstī(s)*. The latter results in an ungainly double spondee; the former allows for cretic-trochaic rhythms such as §44 *uos ex M. Fauōnīo aūdīstīs.* Or: at §57 *parum amplis affĕcērīt praēmīīs*, the hyperbaton both underscores *parum amplis* and creates a double cretic clausula.

The clausulae of a full sentence are scanned on pp. 29–30 above. Readers interested in prose rhythm will find further discussions in the commentary; readers very interested in prose rhythm can search out those discussions through the index.

6 REVISION AND PUBLICATION

C. polished his delivered speeches for publication (i.e., broader written circulation).[122] In general, however, we cannot say how similar the revised, written versions are to the speeches as spoken (say) in court before a jury.[123] In the absence of compelling evidence to the contrary, scholars usually treat a preserved speech as more or less equivalent to the speech as delivered.[124]

[120] A trick that C. employs with final words shaped ⏑ ⏑ – – at least six times in this speech; see §23n. *ut aliquando ad causam crimenque ueniamus.*

[121] Rhythmical considerations also help explain why C. writes *ēssĕ pĕrītūrūm* (§26) and *ēssĕ rĕdītūrūm* (§63) rather than *pĕrītūrum ēssĕ* and *rĕdītūrum ēssĕ*, but *āblātūrum ēssĕ dīcīt* (§95) instead of *ēsse āblātūrūm dīcīt.*

[122] For what "publication" means in the context of the ancient world, see Cribiore 2019: 255–6, with extensive references on publication and circulation of texts at Rome in the late Republic and early Empire on p. 255 n. 1. For a recent discussion of C.'s process of publication and its goals, see La Bua 2019: 16–54 (51–3 on the *Mil.*).

[123] Humbert 1925 is the fundamental argument for extensive differences, based on a reconstruction of Roman court procedure (*Mil.* on pp. 189–97). His view was challenged by Clark 1927 and in detail by Stroh 1975: 31–54, but Lintott 2008: 15–32 has made a strong case for revisions nonetheless.

[124] So the counsel of Stroh 1975: 54; so too e.g. Riggsby 1999: 178–84, Alexander 2002: 15–22, Powell and Paterson 2004b: 53–8 with further discussion and references. Note that C. did not usually write out his speeches in advance of delivery (the *Red. Sen.* was exceptional: *Planc.* 74; cf. *Phil.* 10.5, *Att.* 4.3.3); the usual procedure was to write them up afterwards (*pleraeque … scribuntur orationes habitae*

In the particular case of the *Pro Milone*, however, we have compelling evidence to the contrary, and it is worth examining that evidence and trying to deduce what we can about the possible differences between the delivered and revised speeches.[125] Some find such discussions the philological equivalent of arguing over how many angels can dance on the head of a pin, since the only text we have is C.'s published version and no definitive conclusions can be drawn. But even leaving aside the reasonable desire to reconstruct history the way it actually happened, if we want to interpret the text as we have it, we must try our best to understand its audience and aims. Those may be different after Milo has been condemned than when he was on trial. Although we may not be able to prove what was "original" and what was added in revision, we should try to embrace the most likely set of hypotheses, which will give us the best chance of understanding the speech's arguments both jointly and severally. Regardless, of course, the version that we have constitutes an artistic unity. Even if we can prove little about the speech as delivered, many readers may find themselves in agreement with Asconius and Quintilian that the revised version is C.'s masterpiece (cf. n. 86 above).

Now to the evidence.[126] Asconius reports (41–2C):

> Cicero cum inciperet dicere exceptus <est> acclamatione Clodianorum, qui se continere ne metu quidem circumstantium militum potuerunt. itaque non ea qua solitus erat constantia dixit. manet autem illa quoque excepta eius oratio: scripsit uero hanc quam legimus ita perfecte ut iure prima haberi possit.

> Cicero, when he began to speak, was greeted by the jeers of the Clodians, who couldn't be restrained even by fear of the soldiers surrounding the tribunal. Therefore Cicero spoke without his customary constancy. Moreover, that speech as taken down by stenographers is also extant;[127] but he wrote this one, the one that we're reading, so perfectly that it can rightly be considered his very best.

iam, non ut habeantur, Brut. 90; sim. *Tusc.* 4.55). He may, however, have prepared notes in advance (Quint. *Inst.* 10.7.30; Asc. 87C with Marshall).

[125] Another case of compelling evidence for revision are the *Catilinarian* speeches; see Berry 2020: 56–82.

[126] All evidence for the delivered version of C.'s speech is collected at Crawford 1984: 210–18.

[127] There has been substantial debate over whether *excepta oratio* means "speech as taken down by stenographers [*OLD* s.v. *excipio* 6]," but, despite the immediately foregoing *Cicero ... exceptus <est> acclamatione Clodianorum*, it cannot really mean anything else ("the greeted speech"?). Decisive discussion in Dyck 2002, including the relevant evidence for contemporary shorthand; otherwise Settle 1963: 175 (*excepta* simply referring to the delivered speech), Marshall 1987b: 735 (*excepta* =

There were thus two versions of the *Pro Milone* circulating in the middle of the first century AD, and Asconius seems to imply that the delivered speech was significantly worse than the exemplary revised version.[128]

Quintilian too knew the stenographers' transcript (*Inst.* 4.3.17):

> Ciceroni quoque in prohoemio, cum diceret pro Milone, degredi fuit necesse, ut ipsa oratiuncula qua usus est patet.
>
> Cicero too was forced to digress in his *exordium* when he was speaking on behalf of Milo, as is clear from *the short speech which he actually delivered.*

The depreciating diminutive *oratiuncula* certainly seems to point to something very different, and probably noticeably worse (and shorter?), than the *Pro Milone* that we have. Indeed, Quintilian refers to our speech in quite different terms, with both a superlative of praise and the specific qualification that he is thinking of C.'s own written version: *M. Tullius in oratione pulcherrima quam pro Milone scriptam reliquit* (*Inst.* 4.2.25).

Cassius Dio likewise reports an anecdote that points to a markedly different, and markedly superior, revised version. Upon receiving Cicero's published speech on his behalf, Milo supposedly "said that it was lucky for him that the speech hadn't been spoken in that form in court; for he would not be eating such fine mullets in Marseilles ... if a defense like that had been made" (λέγων ὅτι ἐν τύχῃ αὐτῷ ἐγένετο τὸ μὴ ταῦθ' οὕτω καὶ ἐν τῷ δικαστηρίῳ λεχθῆναι· οὐ γὰρ ἂν τοιαύτας ἐν τῇ Μασσαλίᾳ ... τρίγλας ἐσθίειν, εἴπερ τι τοιοῦτον ἀπελελόγητο, Dio 40.54.3). Dio's retelling of a 250-year-old joke of unknown provenance should not be pressed too hard as evidence for revision, but it is at least consistent with the testimony of Asconius and Quintilian.

The "other" version was apparently still in circulation whenever the following sentence in the Scholia Bobiensia was composed (112.10–14 St.):

> et exstat alius praeterea liber actorum pro Milone: in quo omnia interrupta et inpolita et rudia, plena denique maximi terroris agnoscas. hanc orationem postea legitimo opere et maiore cura, utpote iam confirmato animo et in securitate, conscribsit.

"interrupted," for which there are no parallels). Suetonius reports that a circulating speech of Julius Caesar may have been taken down by stenographers: *Jul.* 55.3 *"pro Quinto Metello" non immerito Augustus existimat magis ab actuaris exceptam male subsequentibus uerba dicentis quam ab ipso editam.*

[128] It is perhaps just possible to argue that Asconius here means only that the circumstances of the delivered speech made it less effective, not that the speech itself was inferior. This is, however, a much less natural interpretation of Asconius' words.

> And there also exists another version of the *Pro Milone*. In it everything is choppy and rough and unpolished, and in a word you can see that it is full of sheer terror. Cicero wrote the version of the speech that we're reading afterwards with proper attention and greater care, inasmuch as his confidence was restored and his person secure.

This testimonium is not straightforward evidence. In the first place, whatever the date of the notes in the Scholia Bobiensia in their final form, the *Vorlage* for this sentence could date back much earlier – could indeed at some remove be Asconius himself.[129] Moreover, it seems likely that "full of sheer terror" is a misinference from the speech's *exordium* or from whatever source lies behind Plutarch's and Dio's accounts of the trial (on which see n. 74 above). On the other hand, "rude and unpolished" would fit with a real-time transcription, and it seems to square well with the way Asconius and Quintilian describe the speech. Perhaps most striking is the phrase *liber actorum pro Milone*; one might wonder if the source for this version was in fact the *Acta diurna*, which may have presented a transcript of this speech as being of exceptional public interest.[130]

While almost nothing is known about the specifics of the delivered speech,[131] Asconius does provide one key piece of information (42C):

> respondit his unus M. Cicero: et cum quibusdam placuisset ita defendi crimen, interfici Clodium pro re publica fuisse – quam formam M. Brutus secutus est in ea oratione quam pro Milone composuit et edidit quasi egisset – Ciceroni id non placuit <ut>, quisquis bono publico damnari, idem etiam occidi indemnatus posset. itaque

[129] On the dating of the Scholia Bobiensia, see Hildebrandt 1894: 33–63, who concludes that the scholia we have today were excerpted from a fourth-century commentary, itself derived from a rhetorical and historical commentary from the second century, which in turn derived its historical notes from the late first century (p. 63).

[130] Cf. *OLD* s.v. *actum* 3: "the official gazette or record of business transacted by the senate, emperor, etc.; also *libri actorum*." Lintott 1974: 74 and Marshall 1987b: 734 both suspect that the "other" *Mil.* was recorded in the *Acta*, but they do not mention the wording of the Scholia Bobiensia. Exactly what the *Acta* contained and the form in which they were published is uncertain: see Baldwin 1979, Behrisch 1995, White 1997.

[131] Quintilian (*Inst.* 9.2.54) and the Scholia Bobiensia (173.7–9 St.) together preserve a single fragment from a "*Pro Milone*" which is not found in our text (cf. §33n. *laudare non possum, irasci certe non debeo*). It seems likely to come from the delivered speech (see briefly Dyck 2002: 184–5), although it could also come from the *De aere alieno Milonis* (i.e. another speech spoken *pro Milone*, on which see Crawford 1994: 265–88).

> cum insidias Milonem Clodio fecisse posuissent accusatores, quia falsum id erat – nam forte illa rixa commissa fuerat – Cicero apprehendit et contra Clodium Miloni fecisse insidias disputauit, eoque tota oratio eius spectauit.
>
> Cicero alone spoke in reply to the prosecution. And although some people thought that the right argument for the defense was that Clodius' killing had been in the interest of the Republic – this is the argument that M. Brutus followed in the speech which he composed and published for Milo as if he had delivered it – Cicero did not think it right that anyone whose conviction would be in the public interest could be killed without being convicted. And so since the prosecution had claimed that Milo had set an ambush for Clodius, because that was false – the brawl had broken out by chance – Cicero seized on their assertion and claimed instead that Clodius had set the ambush for Milo, and his whole speech looked to that point.

Asconius states clearly that Cicero's delivered speech did not embrace Brutus' "public good" argument but instead looked solely to the question of who set an ambush for whom (*eoque tota oratio eius spectauit*).[132] This is a fair description of §§1–71 of the extant speech, but in §§72–91 C. changes tack and argues that even if Milo had killed Clodius deliberately, it would have been in the public interest. As this argument – even framed notionally as a conditional statement – undermines everything that C. has been saying up to that point, and as we have Asconius' explicit testimony that the delivered speech included no mention of the "public good," it seems a probable, albeit not provable, hypothesis that §§72–91 were added to the published version of the speech.[133]

[132] For Brutus' *Pro Milone*, cf. too Quint. *Inst.* 3.6.93, 10.5.20, Schol. Bob. 112.15–16 St. We also know that the declaimer Cestius Pius composed a fictitious *In Milonem* (Sen. *Contr.* 3 pr. 16–17). Admittedly Asconius could be speaking loosely with *tota oratio*, and it should be observed that he could easily have said somewhere in his commentary that §§72–91 were not part of the delivered speech – but he never makes such a statement.

[133] So a long tradition of scholarship: see e.g. Clark 1895: lvi, Humbert 1925: 2, Lintott 1974: 74, Stone 1980, Crawford 1984: 211 n. 6, Clark and Ruebel 1985, Berry 1993b, Riggsby 1999: 110, Steel 2005: 123, Melchior 2008: 286–7. Not all scholars agree. The best reason to wonder whether §§72–91 were integral to the delivered speech as well is the fact that Quintilian, who had access to both versions, treats these sections as a seamless continuation in the written speech (see esp. *Inst.* 4.15.15). For arguments that the extant *Mil.* differs little from the delivered version, see most recently Fotheringham 2013: 1–12; earlier e.g. Settle 1963, Loutsch 1996, Fotheringham 2006: 80–2, Wisse 2007: 65–6. (It has also been argued that C. intended to deliver §§72–91 in court but did not because of Clodius' supporters: at length Varvaro 2013; sim. Stroh's brief comment in Classen 1982: 186.)

Internal evidence also points to additions. A. M. Stone and D. H. Berry have both argued that C.'s treatment of Pompey is laudatory in §§1–66 and critical in §§72–105.[134] This is an acute observation, but because much of their argument relies on seeing irony or hidden subtexts behind C.'s words, it will not persuade everyone.[135] There are, however, other internal indications that §§72–105 were added in revision. For example, in §79 C. allows that Clodius and Pompey were friends at the time of Clodius' death, whereas in the first part of the speech he had been at pains to show just the opposite, and he refers to the jurors as "the avengers of Clodius' death" – not a likely way to describe them at the trial itself.[136] Furthermore, because the *peroratio* signally fails to conform to standard rhetorical precepts, giving no summary of C.'s arguments and making no mention whatsoever of Clodius' supposed ambush or Milo's own innocence, indeed even implying that the killing was intentional,[137] and because it contains specific language that seems to post-date Milo's conviction,[138] the version we have of §§92–105 seems likely to differ substantially from the words C. spoke in court when he still had a chance to secure his client's acquittal.

Thus it is a reasonable working hypothesis that §§1–66 of the extant speech are fairly close to what was spoken in court,[139] while §§72–105

Such scholars claim that the "public good" argument is actually a rhetorically effective consummation of the speech. Bob Morstein-Marx points out to me that such fallback arguments can be found elsewhere in C.: in the *Mur.*, C. argues (1) that Murena is innocent, and (2) that it would be disastrous to convict him because two consuls needed to be in place on 1 January to ward off Catiline (cf. *Flac.* 98). For hypothetical boasting of a killing, cf. also *Rab. Perd.* 18–19, 31 (where, however, C. makes emphatically clear that his client did not do the deed).

[134] Stone 1980, Berry 1993b.

[135] Cf. e.g. §70n. *iuris publici, moris maiorum, rei denique publicae peritissimum*; sim. §73n. *singulari uirtute et gloria ciuem*, §77n. *multas tamen iam summorum imperatorum clarissimas uictorias aetas nostra uidit*, §88n. *nouo reditu in gratiam sibi deuinctum arbitrabatur.* The senate too may be twitted in the post-trial version: §88n. *ne cum solebat quidem id facere, in priuato eodem hoc aliquid profecerat.*

[136] See §79nn. *propter amicitiam* and *eius igitur mortis sedetis ultores*; further §86nn. *primum illud uulnus* and *quo taeterrimam mortem obiret.* Cf. also §72n. *occidi, occidi.*

[137] See §95n. *negat ... negat ... non negat.*

[138] Cf. e.g. §93nn. *"ualeant," inquit, "ualeant ciues mei"* and *quam primam tetigero bene moratam et liberam ciuitatem.* A skeptic might retort that if something like §§72–91 were part of the delivered speech, then C.'s focus on the tragedy and injustice of punishing Milo in the *peroratio* could strike the right note.

[139] "Fairly close" allows for possible but entirely unprovable changes here too; cf. esp. the *exordium* (e.g. §3n. *quorum clamor si qui forte fuerit*), but also e.g. §11n. *silent enim leges inter arma.*

are wholly new or at any rate substantially different from the delivered speech.[140] §§67–71 are harder to judge.[141]

There remain two related questions: when did C. publish this version, and why? It was not his custom, especially by the fifties BC, to publish losing efforts.[142] Definitive answers here too are impossible, but it seems likely that circulating this speech accomplished several goals. By publishing, C. was able to memorialize a certain narrative of events, in opposition both to the delivered speech already in circulation (and to other speeches like that of Brutus) and to the historical reality of his failure and Milo's exile.[143] C. thus writes the final act of the decade-long drama of himself and Clodius with precisely the conclusion and closure that he wanted, attempting to canonize for posterity his Revised Version. Moreover, throughout the rest of 52 and early 51, C. continued to be embroiled in trials related to the murder on the Appian Way. He successfully defended Milo's partisan M. Saufeius (twice), and successfully prosecuted Clodius' partisan T. Munatius Plancus Bursa – his only known prosecution besides that of Verres in 70 BC.[144] The published speech thus could serve as a political pamphlet in an ongoing struggle between Milo's and Clodius'

[140] A further niggling and unresolvable issue: C. alone spoke in Milo's defense, and he was allocated three hours, which were presumably measured by a *clepsydra* ("water-clock," on which see Marquardt 1886: II.792–8, Ker 2009 [p. 285 on C.]). He spoke on 8 Apr. 52 BC pre-Julian = 19 Mar. Julian, when a Roman hour would have been almost exactly equivalent to a modern one (cf. §29n. *hora fere undecima aut non multo secus*). Although the relationship between the Roman civil hour and a standardized "*clepsydra* hour" is not clear, on 8 Apr. the *clepsydra* hour cannot have been longer than the civil hour, and so sixty minutes seems a reasonable upper bound. C. thus had some 180 minutes at his disposal. The preserved *Mil.* encompasses about forty-three OCT pages. Although we cannot know how slowly C. spoke, and he had to contend with the interruptions of a hostile crowd, it beggars belief to suppose that it took him more than four minutes to get through a modern page (try it!). In *Rab. Perd.*, by comparison, C. is given only a *semihora* for his speech (*Rab. Perd.* 6, 9), which in its preserved (incomplete) form encompasses fifteen OCT pages – a rate of about two minutes per page. (The delivery date of *Rab. Perd.* within 63 BC is uncertain: Ramsey 2020: 242–3.) In any case, if certain sections of the *Mil.* were added in revision, C. would have finished the delivered speech even faster. And so either substantial portions of the delivered speech were cut in the written version, or C. did not use his full three hours (which just might be reflected in the exaggerated stories of his failure at the trial itself and the "*oratiuncula*" of Quint. *Inst.* 4.3.17).

[141] Stone and Berry too find §§67–71 mixed in their treatment of Pompey: see Berry 1993b: 502.

[142] See clearly Melchior 2008: 283–5; more fully Crawford 1984: 3–16.

[143] Steel 2005: 118–31.

[144] Saufeius: *TLRR* 313–14 (Asc. 55C); Plancus: *TLRR* 327 (cf. §12n. *huius ambusti tribuni plebis*), Crawford 1984: 230–4.

factions.[145] Finally, the suggestion that it may have been in part intended as an argument for Milo's recall from exile is very attractive.[146] The published *Pro Milone* would then serve as a kind of *quid pro quo*, repaying C.'s debt to Milo by helping him return from exile just as Milo had once helped C.

If there is any truth to those considerations, the speech was probably published in its present form in the year or so between the end of the trial (8 April 52) and C.'s departure to govern Cilicia in May 51. The more precise dating of Stone and Berry to January 51 in the immediate aftermath of C.'s prosecution of Plancus is very plausible.[147] Despite Pompey's strenuous efforts, Plancus was unanimously convicted (*Phil.* 6.10, 13.27, Plut. *Cat. min.* 48.4–5, *Pomp.* 55.5–6, Dio 40.55). The Clodians had been decisively rebuked, C. was ebullient, and Pompey's popularity was at a low ebb. Indeed, C. regarded his successful prosecution of Plancus as a defeat over Pompey himself (*Fam.* 7.2.2–3). This was thus a time of triumph for C. over the Clodian remnants and Pompey both, and a time when he might be willing to take some shots at Pompey. But when C. left for Cilicia, he was on good terms again with Pompey and no longer active in the court battles at Rome, and so the window for publication closes in May 51.

7 TEXT AND TRANSMISSION

In antiquity two versions of the *Pro Milone* were in circulation, one the speech that Cicero actually delivered, the other the revised version that he prepared for publication.[148] Of the former we have only the most exiguous testimonia and fragments.[149] The latter is the text that we read today. Although arguably Cicero's masterpiece, it is transmitted by relatively few medieval manuscripts and is mentioned just a handful of times in medieval library catalogues.[150]

[145] An idea suggested by many scholars, e.g. Crawford 1984: 213, Steel 2005: 118–19.

[146] Kelly 2006: 126–7, Melchior 2008. Milo himself was keen to be recalled (Vell. 2.68.2, Dio 40.54.4).

[147] Stone 1980, Berry 1993b, 2008: 171.

[148] Discussion of the text of the *Mil.* in Clark 1895: xxxi–xlix (before the reconstruction of **C**, on which see below), Clark 1918a: vii–x, Klotz 1918: iii–x. Schönberger 1911 and Becher 1913 are useful primarily for their observations about particular passages in the speech. Rouse and Reeve 1983 is a magisterial survey of the transmission of all of Cicero's speeches, although readers interested only in the *Mil.* will have some spadework to do to unearth the desired information.

[149] See the discussion in section 6 "Revision and Publication" above.

[150] In catalogues from Lorsch (s. IX) and, twice, Cluny (s. XII): Manitius 1935: 20, 27 (on the "lost Cluniacensis," see below).

The text can be constituted from a short list of witnesses:

P Turin, Biblioteca nazionale, A. II. 2 (Italy, s. v), now lost. The manuscript was palimpsested at Bobbio in the seventh century to make way for a text of Augustine. The lower text long lay unnoticed, until Amadeo Peyron discovered it and published it in 1824. It preserves §29 *sunt partim cum* ... §32 *personis ualeant*, §34 *-fuerit* ... §36 *iam illum na-*, §72 *amplecti* ... §75 *pecuni-*, §86 *Bonae* ... §88 *circumscripsisset*, §92 *-sa extra* ... §95 *negat enim negat*. It is the only witness to preserve the beginning of §34 (*-fuerit* ... *solutam*). Unfortunately the manuscript was destroyed by a fire in 1904; all reports of its readings must be taken from Peyron's collation.

C Cluny 496 (the so-called *uetus Cluniacensis*), now lost but so known from its entry in a twelfth-century catalogue;[151] it contained *S. Rosc.*, *Clu.*, *Mur.*, *Cael.*, and *Mil.* To judge from the orthography of its apographa, the manuscript was probably written s. VIII or earlier.[152] A. C. Clark divined that this manuscript was the very one that Poggio Bracciolini found at the Cluny Abbey during the Council of Constance and arranged to have sent to Florence by 1415;[153] he further showed that its readings could be reliably deduced from excerpts preserved in **V**^{c} and **B**.[154] (Its readings can also be less reliably restored from fifteenth-century Italian witnesses not cited in this edition.)[155]

[151] "496 Cicero pro Milone et pro Auito [= Habito, the cognomen of Cluentius] et pro Murena et pro quibusdam aliis" (Manitius 1935: 27). Cluny Abbey was a Benedictine monastery 12 miles (20 km) northwest of modern Mâcon; its library was largely destroyed by the Huguenots in 1562.

[152] Summary in Clark 1905: lxiii.

[153] The manuscript had probably also been discovered shortly before Poggio by Jean de Montreuil in 1413: see Ouy 1988: 40–1. On Poggio and these discoveries, see e.g. Reynolds and Wilson 2013: 137–41; on the French humanist Jean de Montreuil (1354–1418), see Pons 1992.

[154] Full details in Clark 1905. It is possible that **B** is not as pure as is generally supposed, but this would little affect the constitution of the present text.

[155] Such reconstruction can in theory be useful, confirming the readings of **V**^{c} and **B** and allowing us to assess places where **V**^{c} is silent, but it is an enormously complicated and laborious task. The Cluniacensis seems to have been collated twice after its arrival in Italy, but both of those collations have vanished. The lost collations are themselves reconstructed from the text, marginalia, and variants found in Italian humanist manuscripts, a notoriously contaminated source; moreover, the various speeches found in the Cluniacensis received differing treatment, and so each must be considered individually. Some future editor of the *Mil.* may undertake this exercise in codicological necromancy, and it will doubtless shed light on the circulation of texts in Renaissance Italy, but it probably will not contribute much to establishing the text of the *Mil.* For details on the reconstruction of **C** from humanist MSS, see Rizzo 1979, 1983 (a catalogue of witnesses bearing on **C**), 1991: 13–22, Reeve 1984, Maslowski 1992, 1995: xliii–lxxxiii.

V[c] The best witness to **C**: readings copied by Nicolas de Clamanges[156] from **C** into Paris, Latin 14749 (*olim* codex S. Victoris).[157] (Clark uses the siglum **Σ**, A. Klotz **V**, but the latter is somewhat misleading for a corrector's hand.)

B Excerpts of Bartolomeo da Montepulciano[158] copied from **C** and preserved in Florence, Bibliotheca Laurentiana, Plut. LIV 5 (s. XV).[159]

H London, British Library, Harley 2682 (*olim* Coloniensis), s. XI.[160] This manuscript too was rediscovered by Clark, who immediately recognized (but overestimated) its value for the constitution of the text.[161]

E Berlin, Staatsbibliothek zu Berlin – Preußischer Kulturbesitz, Ms. lat. fol. 252 (*olim* Erfurtensis), s. XI.[162]

T Munich, Bayerische Staatsbibliothek, Clm 18787 (*olim* Tegernseensis), s. XII.[163]

W The so-called codex Werdensis, now lost, once the possession of D. Paulus Bruin, a pastor at Werden in Germany. It is reconstructed from (1) the edition of F. Fabricius (Düsseldorf, 1569);[164] (2) D.

[156] Rouse and Reeve 1983: 89, Ouy 1988: 41. On Nicolas de Clamanges (*ca.* 1363/4–1437), French humanist and Church reformer, see Bellitto 2001; he was a member of the circle of Jean de Montreuil (see n. 153 above).

[157] Catalogue entry: https://archivesetmanuscrits.bnf.fr/ark:/12148/cc754959; digitized manuscript: https://gallica.bnf.fr/ark:/12148/btv1b90683722; collation of variants in the *Mil.* in Clark 1905: 53–7.

[158] = Bartolomeo Aragazzi (*ca.* 1385–1429), apostolic secretary to Pope Martin V and friend of Poggio, whom he accompanied on manuscript hunting expeditions during the Council of Constance (1414–18): see *Dizionario Biografico degli Italiani* III s.v. "Aragazzi, Bartolomeo" (= www.treccani.it/enciclopedia/bartolomeo-aragazzi_(Dizionario-Biografico)).

[159] Catalogue entry and digitized manuscript: https://opac.bmlonline.it/Record.htm?idlist=1&record=68311244O139; collation of variants in the *Mil.* in Clark 1905: 12–14. The excerpts were copied by a calligrapher from Bartolomeo's original (Clark 1905: vii, lxiv).

[160] Catalogue entry: www.bl.uk/catalogues/illuminatedmanuscripts/record.asp?MSID=6632; Munk Olsen 1982: 211–13; collation of variants in the *Mil.* in Clark 1891: 35–41.

[161] Full details in Clark 1891.

[162] Catalogue entries: www.manuscripta-mediaevalia.de/?xdbdtdn!%22obj%2090430837,T%22&dmode=doc#|4 and www.manuscripta-mediaevalia.de/?xdbdtdn!%22obj%2031102377%22&dmode=doc#|4; Munk Olsen 1982: 148–9. Collation in Wunder 1827: 103–10.

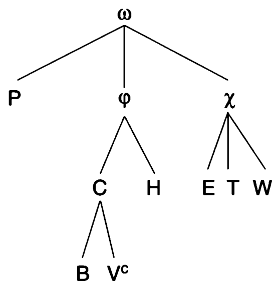
[163] Catalogue entry and digitized manuscript: https://opacplus.bsb-muenchen.de/search?oclcno=162444163&db=100; Munk Olsen 1982: 236.

[164] F. Fabricius = Franciscus Fabricius Marcoduranus (1527–73), on whom see Schmitz 1871, Sandys 1903–8: II.268. The only extant copy of Fabricius' edition appears to be at Heidelberg; it has been digitized: https://digi.ub.uni-heidelberg.de/diglit/cicero1569.

Lambinus' posthumous second edition (Paris, 1572–3),[165] where it is referred to erratically;[166] (3) the collation of J. Gulielmius.[167]

C and **H** spring from a common source, as shown most clearly by their shared omissions (especially §4 *si umquam ... uiris,* §18 *cruentata ...* §37 *paene inter-*; perhaps also §86 *sine lamentis,* §105 *illam beatam*).[168] **ETW** also descend from a common ancestor; they exhibit a number of shared readings and a lacuna at §34 *-fuerit ... solutam.* **P** stands alone.

The MSS thus sort themselves into three families, as depicted in the following simplified stemma (the Greek letters ω, φ, and χ represent hypothetical lost manuscripts):



[165] D(ionysius) Lambinus = Denis Lambin (1520–72), on whom see e.g. Sandys 1903–8: II.188–91. The edition is available online: https://books.google.com/books?id=l9MPAAAAQAAJ&newbks=1&newbks_redir=0&dq=editions%3A5a1qVyRCA1EC&pg=PA2205#v=onepage&q&f=false.

[166] In the mordant words of Clark (1895: xxxvi): "Lambinus ... frequently quotes this *Saxonicus perantiquus,* and says that all the emendations peculiar to this edition are taken from it ... unfortunately, however, we cannot be sure to what variants he refers, unless he expressly mentions the MS. in his notes, on account of the reckless manner in which such symbols as *v. c.* [vetus codex], or L. [Lambinus] are used by the *sciolus,* who, after the death of this great scholar, mangled his work under the pretence of editing it."

[167] J(anus) Gulielmius = Jan Wilhelms (1555–84), on whose brief life see Sandys 1903–8: II.272–3. Editors have traditionally reconstructed Gulielmius' collation from the edition of Jan Gruter (Hamburg, 1618; digitized: https://books.google.com/books?id=5oso SbaSYEwC&newbks=1&newbks_redir=0&printsec=frontcover#v=onepage&q&f=false). Almost fifty years ago, however, P. L. Schmidt discovered Gulielmius' collation itself in Leiden (Universitaire Bibliotheken Leiden 762 B 9–10; further details in Schmidt 1974: 218–23; see also Berry 1989), and so there is no need for an intermediary. Scrutiny of Gulielmius' actual collation may be necessary for the next full critical edition of the *Mil.*, but it probably will not change the printed text at all.

[168] But **H** was probably not copied from **C**: Clark 1905: xxviii for discussion and evidence.

E sometimes has a superior reading against **TW**, suggesting that either **TW** have been copied from another descendant of χ or **E** has been contaminated by readings from another branch of the tradition – or both.[169]

More recent manuscripts are valuable primarily as a source of emendations; in the apparatus criticus of this edition, one or more of these later MSS are referred to with the collective siglum ς.

The text also has a substantial indirect transmission. The lemmata of both Asconius and the Scholia Bobiensia are a potentially valuable source, although they must be used with care; the abundant citations by Quintilian and later grammarians must be used with even greater care, since these authors were often quoting from memory or at second hand.[170]

Perhaps the most substantial issue with the text as it is transmitted to us is the presence of intrusive glosses. All editors agree that such glosses have sometimes crept into the text; this editor believes that they are fairly frequent.[171]

In preparing the following text and abbreviated *apparatus criticus*, I have relied primarily upon the manuscript reports found in the editions of Clark and Klotz. I have not collated any manuscripts myself, although I have sometimes verified readings where Clark and Klotz disagree. Orthography has generally been normalized according to the conventions of this series. To forestall confusion among students, only the modern standard numeration of the text has been printed.[172] (To facilitate reference to the *apparatus criticus*, line numbers have also been added within each section.) Because none of the manuscript families is clearly superior to the others, where the witnesses disagree, the case must usually be judged on its own merits and decided primarily based on internal

[169] Clark 1895: xxxviii–xliii; more clearly and concisely Klotz 1918: v, who suggests that **W** may be contaminated as well.

[170] Clark 1895: xlv–xlvi comments briefly on the (de)merits of the readings found in Asconius and Quintilian; Becher 1913: 20–45 in detail. Klotz 1918: vi–x compares readings found in Asconius, Quintilian, Gellius, the Scholia Bobiensia, and late antique grammarians in an attempt to determine when the tradition's various divisions took place.

[171] See recently Berry 2016; earlier e.g. Bake 1852: 285–98, Clark 1891: xliv ("the pro Milone is honey-combed with … glosses"), Clark 1895 xlvii–xlviii (more cautiously Clark 1918a: xvi "sciolos commentis suis textum passim auxisse nunc minus credo"), Boulanger 1949: 62 ("le *Pro Milone* a particulièrement souffert de l'invasion de gloses").

[172] I.e., the shorter "paragraph" divisions (given in smaller Arabic type in the OCT and Teubner editions), omitting the longer "chapters" (given in larger Arabic type in the OCT and Teubner editions, and sometimes in Roman numerals elsewhere). For the story of where these divisions originated, see Glucker 1984.

evidence.[173] I discuss important or otherwise instructive textual choices in the commentary. In the *apparatus criticus* I aim (1) to document when the printed text differs from the medieval manuscripts (i.e., when it follows a reading from the indirect tradition, a humanist manuscript, or a modern conjecture); (2) to present cases where there is genuine doubt about the correct reading; and (3) to facilitate the textual discussions in the commentary. For full reports of the manuscripts, the reader should consult the Teubner edition of Klotz.

[173] Note that the absence of a reading from **V**^{c} does not guarantee that that reading was not found in **C** (even the most careful corrector will miss variants). Thus the *lectiones singulares* in **H** must be evaluated on their own merits too, although, given the propensity of **H** to innovations, they must be regarded with considerable caution.

M. TVLLI CICERONIS

PRO T. ANNIO MILONE ORATIO

M. TVLLI CICERONIS

PRO T. ANNIO MILONE ORATIO

Etsi uereor, iudices, ne turpe sit pro fortissimo uiro dicere incipientem **1**
timere minimeque deceat, cum T. Annius ipse magis de rei publicae
salute quam de sua perturbetur, me ad eius causam parem animi mag-
nitudinem afferre non posse, tamen haec noui iudici noua forma ter-
ret oculos qui, quocumque inciderunt, ueterem consuetudinem fori et 5
pristinum morem iudiciorum requirunt. non enim corona consessus
uester cinctus est, ut solebat; non usitata frequentia stipati sumus; non **2**
illa praesidia quae pro templis omnibus cernitis, etsi contra uim collocata
sunt, non afferunt tamen oratori terroris aliquid, ut in foro et in iudicio,
quamquam praesidiis salutaribus et necessariis saepti sumus, tamen ne
non timere quidem sine aliquo timore possimus. quae si opposita Miloni 5
putarem, cederem tempori, iudices, nec enim inter tantam uim armorum
existimarem esse orationi locum. sed me recreat et reficit Cn. Pompei,
sapientissimi et iustissimi uiri, consilium, qui profecto nec iustitiae suae
putaret esse, quem reum sententiis iudicum tradidisset, eundem telis mil-
itum dedere, nec sapientiae temeritatem concitatae multitudinis auctor- 10
itate publica armare. quam ob rem illa arma, centuriones, cohortes non **3**
periculum nobis, sed praesidium denuntiant, neque solum ut quieto, sed
etiam ut magno animo simus hortantur, nec auxilium modo defensioni
meae uerum etiam silentium pollicentur.

Reliqua uero multitudo, quae quidem est ciuium, tota nostra est, nec 5
eorum quisquam quos undique intuentes, unde aliqua fori pars asp-
ici potest, et huius exitum iudici exspectantes uidetis, non cum uirtuti
Milonis fauet, tum de se, de liberis suis, de patria, de fortunis hodierno
die decertari putat. unum genus est aduersum infestumque nobis eorum
quos P. Clodi furor rapinis et incendiis et omnibus exitiis publicis pauit; 10
qui hesterna etiam contione incitati sunt ut uobis uoce praeirent quid
iudicaretis. quorum clamor si qui forte fuerit, admonere uos debebit ut
eum ciuem retineatis qui semper genus illud hominum clamoresque max-
imos prae uestra salute neglexit.

Quam ob rem adeste animis, iudices, et timorem, si quem habetis, **4**
deponite. nam si umquam de bonis et fortibus uiris, si umquam de bene

2 6 nec enim **CH** nec **ET** 8 et iustissimi **CH** et illustrissimi **E** illustrissimique **T** **3** 3–4 auxilium *et* silentium *transp. A. Klotz* (*haes. in app.*) **4** 2 si … uiris *om.* **CH**

meritis ciuibus potestas uobis iudicandi fuit, si denique umquam locus amplissimorum ordinum delectis uiris datus est ut sua studia erga fortes et bonos ciues, quae uultu et uerbis saepe significassent, re et sententiis declararent, hoc profecto tempore eam potestatem omnem uos habetis ut statuatis utrum nos qui semper uestrae auctoritati dediti fuimus semper miseri lugeamus an diu uexati a perditissimis ciuibus aliquando per **5** uos ac per uestram fidem uirtutem sapientiamque recreemur. quid enim nobis duobus, iudices, laboriosius, quid magis sollicitum, magis exercitum dici aut fingi potest, qui spe amplissimorum praemiorum ad rem publicam adducti metu crudelissimorum suppliciorum carere non possumus? equidem ceteras tempestates et procellas in illis dumtaxat fluctibus contionum semper putaui Miloni esse subeundas, quia semper pro bonis contra improbos senserat, in iudicio uero et in eo consilio in quo ex coniunctis ordinibus amplissimi uiri iudicarent numquam existimaui spem ullam esse habituros Milonis inimicos ad eius non modo salutem exstinguendam sed etiam gloriam per tales uiros infringendam.

6 Quamquam in hac causa, iudices, T. Anni tribunatu rebusque omnibus pro salute rei publicae gestis ad huius criminis defensionem non abutemur. nisi oculis uideritis insidias Miloni a Clodio esse factas, nec deprecaturi sumus ut crimen hoc nobis propter multa praeclara in rem publicam merita condonetis, nec postulaturi ut, quia mors P. Clodi salus uestra fuerit, idcirco eam uirtuti Milonis potius quam populi Romani felicitati assignetis. sin illius insidiae clariores hac luce fuerint, tum denique obsecrabo obtestaborque uos, iudices, si cetera amisimus, hoc nobis saltem ut relinquatur, uitam ab inimicorum audacia telisque ut impune liceat defendere.

7 Sed antequam ad eam orationem uenio quae est propria uestrae quaestionis, uidentur ea mihi esse refutanda quae et in senatu ab inimicis saepe iactata sunt et in contione ab improbis et paulo ante ab accusatoribus, ut omni errore sublato rem plane quae ueniat in iudicium uidere possitis. negant intueri lucem esse fas ei qui a se hominem occisum esse fateatur. in qua tandem urbe hoc homines stultissimi disputant? nempe in ea quae primum iudicium de capite uidit M. Horati, fortissimi uiri, qui nondum libera ciuitate tamen populi Romani comitiis liberatus est, cum sua manu sororem esse interfectam fateretur.

8 An est quisquam qui hoc ignoret, cum de homine occiso quaeratur, aut negari solere omnino esse factum aut recte et iure factum esse defendi?

5 8 coniunctis *Reid* cunctis **ET** conunriis **H** conontiis $\mathbf{V}^{c}$ **6** 5 quia $\mathbf{HV}^{c}$ si **ET** 7 sin $\mathbf{HV}^{c}\mathbf{E}$ sed si **TW** **7** 4 errore $\mathbf{HV}^{c}$ terrore **ETW**

nisi uero existimatis dementem P. Africanum fuisse qui, cum a C. Carbone tribuno plebis seditiose in contione interrogaretur quid de Ti. Gracchi morte sentiret, responderit iure caesum uideri. neque enim posset aut 5
Ahala ille Seruilius aut P. Nasica aut L. Opimius aut C. Marius aut me consule senatus non nefarius haberi, si sceleratos ciues interfici nefas esset. itaque hoc, iudices, non sine causa etiam fictis fabulis doctissimi homines memoriae prodiderunt, eum qui patris ulciscendi causa matrem necauisset uariatis hominum sententiis non solum diuina sed etiam sapientis- 10
simae deae sententia liberatum. quod si XII tabulae nocturnum furem **9**
quoquo modo, diurnum autem, si se telo defenderet, interfici impune uoluerunt, quis est qui, quoquo modo quis interfectus sit, puniendum putet, cum uideat aliquando gladium nobis ad hominem occidendum ab ipsis porrigi legibus? 5

Atqui si tempus est ullum iure hominis necandi, quae multa sunt, certe illud est non modo iustum uerum etiam necessarium, cum ui uis illata defenditur. pudicitiam cum eriperet militi tribunus militaris in exercitu C. Mari, propinquus eius imperatoris, interfectus ab eo est cui uim afferebat; facere enim probus adulescens periculose quam perpeti turpiter maluit. 10
atque hunc ille summus uir scelere solutum periculo liberauit. insidiatori **10**
uero et latroni quae potest inferri iniusta nex? quid comitatus nostri, quid gladii uolunt? quos habere certe non liceret, si uti illis nullo pacto liceret.

Est igitur haec, iudices, non scripta, sed nata lex, quam non didicimus, accepimus, legimus, uerum ex natura ipsa arripuimus, hausimus, expres- 5
simus, ad quam non docti sed facti, non instituti sed imbuti sumus, ut, si uita nostra in aliquas insidias, si in uim et in tela aut latronum aut inimicorum incidisset, omnis honesta ratio esset expediendae salutis. silent **11**
enim leges inter arma nec se exspectari iubent, cum ei qui exspectare uelit ante iniusta poena luenda sit quam iusta repetenda. etsi persapienter et quodam modo tacite dat ipsa lex potestatem defendendi, quae non hominem occidi, sed esse cum telo hominis occidendi causa uetat, 5
ut, cum causa non telum quaereretur, qui sui defendendi causa telo esset usus, non hominis occidendi causa habuisse telum iudicaretur. quapropter hoc maneat in causa, iudices; non enim dubito quin probaturus sim uobis defensionem meam, si id memineritis quod obliuisci non potestis: insidiatorem interfici iure posse. 10

Sequitur illud quod a Milonis inimicis saepissime dicitur, caedem in **12**
qua P. Clodius occisus esset senatum iudicasse contra rem publicam esse

11 2 iubent **ET** *Quint.* uolunt **CH** 5 non **HB** non modo **ET** **12** 2 esset **H** est **ET**

factam. illam uero senatus non sententiis suis solum sed etiam studiis comprobauit. quotiens enim est illa causa a nobis acta in senatu, quibus assen-
5 sionibus uniuersi ordinis, quam nec tacitis nec occultis! quando enim frequentissimo senatu quattuor aut summum quinque sunt inuenti qui Milonis causam non probarent? declarant huius ambusti tribuni plebis illae intermortuae contiones quibus cottidie meam potentiam inuidiose criminabatur, cum diceret senatum non quod sentiret sed quod ego
10 uellem decernere. quae quidem si potentia est appellanda potius quam propter magna in rem publicam merita mediocris in bonis causis auctoritas aut propter hos officiosos labores meos non nulla apud bonos gratia, appelletur ita sane, dum modo ea nos utamur pro salute bonorum contra amentiam perditorum.

13 Hanc uero quaestionem, etsi non est iniqua, numquam tamen senatus constituendam putauit; erant enim leges, erant quaestiones uel de caede uel de ui, nec tantum maerorem ac luctum senatui mors P. Clodi afferebat ut noua quaestio constitueretur. cuius enim de illo incesto stupro
5 iudicium decernendi senatui potestas esset erepta, de eius interitu quis potest credere senatum iudicium nouum constituendum putasse? cur igitur incendium curiae, oppugnationem aedium M'. Lepidi, caedem hanc ipsam contra rem publicam senatus factam esse decreuit? quia nulla uis umquam est in libera ciuitate suscepta inter ciues non contra rem publi-
14 cam – non enim est ulla defensio contra uim umquam optanda, sed non numquam est necessaria – nisi uero aut ille dies quo Ti. Gracchus est caesus, aut ille quo Gaius, aut arma Saturnini [non], etiam si e re publica oppressa sunt, rem publicam tamen non uulnerarunt. itaque ego ipse
5 decreui, cum caedem in uia Appia factam esse constaret, non eum qui se defendisset contra rem publicam fecisse, sed, cum inesset in re uis et insidiae, crimen iudicio reseruaui, rem notaui. quod si per furiosum illum tribunum plebis senatui quod sentiebat perficere licuisset, nouam quaestionem nullam haberemus. decernebat enim ut ueteribus legibus, tantum
10 modo extra ordinem, quaereretur. diuisa sententia est postulante nescio quo – nihil enim necesse est omnium me flagitia proferre – sic reliqua auctoritas senatus empta intercessione sublata est.

15 At enim Cn. Pompeius rogatione sua et de re et de causa iudicauit: tulit enim de caede quae in Appia uia facta esset, in qua P. Clodius occisus

5 enim **HET** etiam *Ernesti* 10 potius quam **HV**[c] potius quam aut **ET** **13** 7 M'. *Drumann* M. **HET** *Asc. Schol. Bob.* **14** 3 arma **HV**[c] quo arma **ET** non *secl. ed. Aldina* 4 non *secl. Madvig* (*priore* non *intacto*) 5 uia Appia **HV**[c] Appia **ET** 6 inesset **H** inessent **B**(**V**[c]?)**E** esset **T**

esset. quid ergo tulit? nempe ut quaereretur. quid porro quaerendum est? factumne sit? at constat. a quo? at paret. uidit igitur etiam in confessione facti iuris tamen defensionem suscipi posse. quod nisi uidisset, posse absolui eum qui fateretur, cum uideret nos fateri, neque quaeri umquam iussisset nec uobis tam hanc salutarem in iudicando litteram quam illam tristem dedisset. mihi uero Cn. Pompeius non modo nihil grauius contra Milonem iudicasse sed etiam statuisse uidetur quid uos in iudicando spectare oporteret. nam qui non poenam confessioni sed defensionem dedit, is causam interitus quaerendam, non interitum putauit.

16 Iam illud, ipse [dicet profecto] quod sua sponte fecit, Publione Clodio tribuendum putauit an tempori? domi suae nobilissimus uir, senatus propugnator atque illis quidem temporibus paene patronus, auunculus huius iudicis nostri, fortissimi uiri, M. Catonis, tribunus plebis M. Drusus occisus est. nihil de eius morte populus consultus, nulla quaestio decreta a senatu est. quantum luctum fuisse in hac urbe a nostris patribus accepimus, cum P. Africano domi suae quiescenti illa nocturna uis esset illata. quis tum non ingemuit, quis non arsit dolore, quem immortalem, si fieri posset, omnes esse cuperent, eius ne necessariam quidem exspectatam esse mortem? **17** num igitur ulla quaestio de Africani morte lata est? certe nulla. quid ita? quia non alio facinore clari homines, alio obscuri necantur. intersit inter uitae dignitatem summorum atque infimorum; mors quidem illata per scelus isdem et poenis teneatur et legibus. nisi forte magis erit parricida, si qui consularem patrem quam si quis humilem necarit, aut eo mors atrocior erit P. Clodi quod is in monumentis maiorum suorum sit interfectus – hoc enim ab istis saepe dicitur – proinde quasi Appius ille Caecus uiam munierit non qua populus uteretur, sed ubi impune sui posteri latrocinarentur! **18** itaque in eadem ista Appia uia cum ornatissimum equitem Romanum P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum – homo enim nobilis in suis monumentis equitem Romanum occiderat. nunc eiusdem Appiae nomen quantas tragoedias excitat! quae cruentata antea caede honesti atque innocentis uiri silebatur, eadem nunc crebro usurpatur, postea quam latronis et parricidae sanguine imbuta est.

15 4 at paret 5 *Schol. Bob.* apparet **HV^{c}T** at apparet **E** **16** 1–2 ipse [dicet profecto] ... putauit *scripsi* ([dicet] *iam Lang*) ipse dicet (dicet ipse **T**) ... putarit **HET** ipsum dicet ... putarit *Wagener, Morstein-Marx* ipsum docet ... putarit *Hedicke* ipse dicat ... putarit *Kaster* 5 consultus **ET** consultus est **CH** **17** 5 si quis **ET** si qui **HV^{c}** **18** 1 Appia uia **ET** Appia **H** 5 cruentata *usque ad* §37 *l.* 3 in(terfici) *om.* **CH**

Sed quid ego illa commemoro? comprehensus est in templo Castoris seruus P. Clodi, quem ille ad Cn. Pompeium interficiendum collocarat.
10 extorta est ei confitenti sica de manibus. caruit foro postea Pompeius, caruit senatu, caruit publico; ianua se ac parietibus, non iure legum iudi-
19 ciorumque texit. num quae rogatio lata, num quae noua quaestio decreta est? atqui si res, si uir, si tempus ullum dignum fuit, certe haec in illa causa summa omnia fuerunt. insidiator erat in foro collocatus atque in uestibulo ipso senatus; ei uiro autem mors parabatur cuius in uita nitebatur
5 salus ciuitatis; eo porro rei publicae tempore quo, si unus ille occidisset, non haec solum ciuitas sed gentes omnes concidissent. nisi uero, quia perfecta res non est, non fuit punienda, proinde quasi exitus rerum, non hominum consilia legibus uindicentur. minus dolendum fuit re non perfecta, sed puniendum certe nihilo minus.

20 Quotiens ego ipse, iudices, ex P. Clodi telis et ex cruentis eius manibus effugi! ex quibus si me non uel mea uel rei publicae fortuna seruasset, quis tandem de interitu meo quaestionem tulisset? sed stulti sumus qui Drusum, qui Africanum, Pompeium, nosmet ipsos cum P. Clodio conferre
5 audeamus. tolerabilia fuerunt illa: P. Clodi mortem aequo animo ferre nemo potest. luget senatus, maeret equester ordo, tota ciuitas confecta senio est, squalent municipia, afflictantur coloniae, agri denique ipsi tam beneficum, tam salutarem, tam mansuetum ciuem desiderant.

21 Non fuit ea causa, iudices, profecto non fuit cur sibi censeret Pompeius quaestionem ferendam, sed homo sapiens atque alta et diuina quadam mente praeditus multa uidit: fuisse illum sibi inimicum, familiarem Milonem; in communi omnium laetitia si etiam ipse gauderet, timuit ne
5 uideretur infirmior fides reconciliatae gratiae. multa etiam alia uidit, sed illud maxime, quamuis atrociter ipse tulisset, uos tamen fortiter iudicaturos. itaque delegit ex florentissimis ordinibus ipsa lumina, neque uero, quod non nulli dictitant, secreuit in iudicibus legendis amicos meos. neque enim hoc cogitauit uir iustissimus, neque in bonis uiris legendis id
10 assequi potuisset, etiam si cupisset. non enim mea gratia familiaritatibus continetur, quae late patere non possunt, propterea quod consuetudines uictus non possunt esse cum multis; sed, si quid possumus, ex eo possumus quod res publica nos coniunxit cum bonis. ex quibus ille cum optimos uiros legeret idque maxime ad fidem suam pertinere arbitraretur,
15 non potuit legere non studiosos mei.

22 Quod uero te, L. Domiti, huic quaestioni praeesse maxime uoluit, nihil quaesiuit aliud nisi iustitiam, grauitatem, humanitatem, fidem. tulit ut consularem necesse esset: credo, quod principum munus esse ducebat resistere et leuitati multitudinis et perditorum temeritati. ex consularibus
5 te creauit potissimum: dederas enim quam contemneres populares insanias iam ab adulescentia documenta maxima.

Quam ob rem, iudices, ut aliquando ad causam crimenque ueniamus, **23**
si neque omnis confessio facti est inusitata, neque de causa nostra quicquam aliter ac nos uellemus a senatu iudicatum est, et lator ipse legis, cum esset controuersia nulla facti, iuris tamen disceptationem esse uoluit, et ii lecti iudices, isque praepositus quaestioni, qui haec iuste sapienterque 5
disceptent, reliquum est, iudices, ut nihil iam quaerere aliud debeatis nisi uter utri insidias fecerit. quod quo facilius argumentis perspicere possitis, rem gestam uobis dum breuiter expono, quaeso, diligenter attendite.

P. Clodius, cum statuisset omni scelere in praetura uexare rem pub- **24**
licam uideretque ita tracta esse comitia anno superiore ut non multos menses praeturam gerere posset, qui non honoris gradum spectaret, ut ceteri, sed et L. Paullum collegam effugere uellet, singulari uirtute ciuem, et annum integrum ad dilacerandam rem publicam quaereret, 5
subito reliquit annum suum seseque in proximum transtulit, non, ut fit, religione aliqua, sed ut haberet, quod ipse dicebat, ad praeturam gerendam, hoc est ad euertendam rem publicam, plenum annum atque integrum. occurrebat ei mancam ac debilem praeturam futuram suam **25**
consule Milone; eum porro summo consensu populi Romani consulem fieri uidebat. contulit se ad eius competitores, sed ita totam ut petitionem ipse solus etiam inuitis illis gubernaret, tota ut comitia suis, ut dictitabat, umeris sustineret. conuocabat tribus, se interponebat, Collinam nouam 5
dilectu perditissimorum ciuium conscribebat. quanto ille plura miscebat, tanto hic magis in dies conualescebat. ubi uidit homo ad omne facinus paratissimus fortissimum uirum, inimicissimum suum, certissimum consulem, idque intellexit non solum sermonibus, sed etiam suffragiis populi Romani saepe esse declaratum, palam agere coepit et aperte dicere 10
occidendum Milonem. seruos agrestes et barbaros, quibus siluas publicas **26**
depopulatus erat Etruriamque uexarat, ex Appennino deduxerat, quos uidebatis. res erat minime obscura. etenim dictitabat palam consulatum Miloni eripi non posse, uitam posse. significauit hoc saepe in senatu, dixit in contione; quin etiam <M.> Fauonio, fortissimo uiro, quaerenti ex eo 5
qua spe fureret Milone uiuo, respondit triduo illum aut summum quadriduo esse periturum; quam uocem eius ad hunc M. Catonem statim Fauonius detulit.

Interim cum sciret Clodius – neque enim erat difficile scire [a **27**
Lanuuinis] – iter sollemne, legitimum, necessarium ante diem XIII

23 5 ii lecti *Garatoni* electi **ET** praepositus **ET** praepositus est *Orelli* 6 disceptent *Schuetz* -et **ET** **24** 2 tracta *ed. Aldina* tractata **ET** 6 proximum *Eberhard* proximum annum **E** annum proximum **T** **26** 5 M. *add.* ς **27** 1 difficile ς difficile id **E** id difficile **T** a Lanuuinis *om.* ς

Kalendas Februarias Miloni esse Lanuuium ad flaminem prodendum, quod erat dictator Lanuui Milo, Roma subito ipse profectus pridie est ut
5 ante suum fundum, quod re intellectum est, Miloni insidias collocaret; atque ita profectus est ut contionem turbulentam in qua eius furor desideratus est, quae illo ipso die habita est, relinqueret, quam, nisi obire facinoris locum tempusque uoluisset, numquam reliquisset.

28 Milo autem cum in senatu fuisset eo die quoad senatus est dimissus, domum uenit, calceos et uestimenta mutauit, paulisper, dum se uxor, ut fit, comparat, commoratus est, dein profectus id temporis cum iam Clodius, si quidem eo die Romam uenturus erat, redire potuisset. obuiam
5 fit ei Clodius, expeditus, in equo, nulla raeda, nullis impedimentis, nullis Graecis comitibus, ut solebat, sine uxore, quod numquam fere: cum hic insidiator, qui iter illud ad caedem faciendam apparasset, cum uxore ueheretur in raeda, paenulatus, magno et impedito et muliebri ac deli-
29 cato ancillarum puerorumque comitatu. fit obuiam Clodio ante fundum eius hora fere undecima aut non multo secus. statim complures cum telis in hunc faciunt de loco superiore impetum aduersi; raedarium occidunt. cum autem hic de raeda reiecta paenula desiluisset seque acri animo
5 defenderet, illi qui erant cum Clodio gladiis eductis, partim recurrere ad raedam ut a tergo Milonem adorirentur, partim, quod hunc iam interfectum putarent, caedere [incipiunt] eius seruos qui post erant; ex quibus qui animo fideli in dominum et praesenti fuerunt, partim occisi sunt, partim, cum ad raedam pugnari uiderent, domino succurrere prohiberentur,
10 Milonem occisum et ex ipso Clodio audirent et re uera putarent, fecerunt id serui Milonis – dicam enim aperte non deriuandi criminis causa, sed ut factum est – nec imperante nec sciente nec praesente domino, quod suos quisque seruos in tali re facere uoluisset.

30 Haec sicuti exposui ita gesta sunt, iudices: insidiator superatus est, ui uicta uis uel potius oppressa uirtute audacia est. nihil dico quid res publica consecuta sit, nihil quid uos, nihil quid omnes boni: nihil sane id prosit Miloni, qui hoc fato natus est ut ne se quidem seruare potuerit quin una
5 rem publicam uosque seruaret. si id iure fieri non potuit, nihil habeo quod defendam. sin hoc et ratio doctis et necessitas barbaris et mos gentibus et feris natura ipsa praescripsit ut omnem semper uim quacumque

4 quod erat dictator Lanuui Milo *secl. Bake* Roma ς Romam **ET** 7 quae illo ipso die habita est *secl. Bake* **29** 5 recurrere **ET** *Schol. Bob.* decurrere *Rau* 7 incipiunt *secl. Rau* 12 nec praesente *secl. Kakridis* **30** 1 sicuti **ET** sicut **P** si ut *Quint. Schol. Bob. Iul. Victor* 5 iure fieri non potuit **P** fieri iure non posset **ET** iure non posset ς fieri iure non potuit *A. Klotz* 6 quod **ET** quid **P**

ope possent a corpore, a capite, a uita sua propulsarent, non potestis hoc facinus improbum iudicare quin simul iudicetis omnibus qui in latrones inciderint aut illorum telis aut uestris sententiis esse pereundum. quod si **31** ita putasset, certe optabilius Miloni fuit dare iugulum P. Clodio, non semel ab illo neque tum primum petitum, quam iugulari a uobis, quia se non iugulandum illi tradidisset. sin hoc nemo uestrum ita sentit, non illud iam in iudicium uenit, occisusne sit, quod fatemur, sed iure an iniuria, quod 5 multis in causis saepe quaesitum est. insidias factas esse constat, et id est quod senatus contra rem publicam factum iudicauit; ab utro factae sint incertum est. de hoc igitur latum est ut quaereretur. ita et senatus rem, non hominem notauit, et Pompeius de iure, non de facto quaestionem tulit. num quid igitur aliud in iudicium uenit nisi uter utri insidias fecerit? 10 profecto nihil: si hic illi, [ut] ne sit impune; si ille huic, tum nos scelere soluamur.

Quonam igitur pacto probari potest insidias Miloni fecisse Clodium? **32** satis est in illa quidem tam audaci, tam nefaria belua docere magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. itaque illud Cassianum "cui bono fuerit" in his personis ualeat, etsi boni nullo emolumento impelluntur in fraudem, improbi saepe paruo. 5 atqui Milone interfecto Clodius haec assequebatur, non modo ut praetor esset non eo consule quo sceleris facere nihil posset sed etiam ut iis consulibus praetor esset quibus si non adiuuantibus, at coniuentibus certe speraret se posse eludere in illis suis cogitatis furoribus: cuius illi conatus, ut ipse ratiocinabatur, nec cuperent reprimere, si possent, cum tantum 10 beneficium ei se debere arbitrarentur, et, si uellent, fortasse uix possent frangere hominis sceleratissimi corroboratam iam uetustate audaciam.

An uero, iudices, uos soli ignoratis, uos hospites in hac urbe uersamini, **33** uestrae peregrinantur aures neque in hoc peruagato ciuitatis sermone uersantur, quas ille leges, si leges nominandae sunt ac non faces urbis, pestes rei publicae, fuerit impositurus nobis omnibus atque inusturus? exhibe, exhibe, quaeso, Sexte Cloeli, librarium illud legum uestrarum quod te 5 aiunt eripuisse e domo et ex mediis armis turbaque nocturna tamquam Palladium sustulisse, ut praeclarum uidelicet munus atque instrumentum tribunatus ad aliquem, si nactus esses, qui tuo arbitrio tribunatum gereret,

31 4 non illud **P** illud ... non occisusne **ET** 11 ut *seclusi* tum nos **ET** ut **P** ut nos *Baiter* tum ut nos *Lambinus* **32** 4 cui bono fuerit **PET** iudicium *Asc.* (*ubi* indicium *Purser*) 10 cuperent reprimere, si possent *Madvig* si cuperent reprimere possent **ET** **33** 4 exhibe, exhibe, quaeso **E** exhibe, quaeso, Sexte Cloeli (cloelli), exhibe **T** 7 sustulisse **T** extulisse **E**

deferre posses. et aspexit me illis quidem oculis quibus tum solebat cum omnibus omnia minabatur. mouet me quippe lumen curiae! quid? tu me tibi iratum, Sexte, putas, cuius tu inimicissimum multo crudelius etiam punitus es quam erat humanitatis meae postulare? tu P. Clodi cruentum cadauer eiecisti domo, tu in publicum abiecisti, tu spoliatum imaginibus, [exsequiis,] pompa, laudatione, infelicissimis lignis semiustilatum nocturnis canibus dilaniandum reliquisti. quare, etsi nefarie fecisti, tamen, quoniam in meo inimico crudelitatem exprompsisti tuam – laudare non possum, irasci certe non debeo. * * *

34 <Videtis, iudices, quantum Clodi inter>fuerit occidi Milonem: conuertite animos nunc uicissim ad Milonem. quid Milonis intererat interfici Clodium? quid erat cur Milo non dicam admitteret, sed optaret? "obstabat in spe consulatus Miloni Clodius." at eo repugnante fiebat, immo uero eo fiebat magis, nec me suffragatore meliore utebatur quam Clodio. ualebat apud uos, iudices, Milonis erga me remque publicam meritorum memoria, ualebant preces et lacrimae nostrae, quibus ego tum uos mirifice moueri sentiebam, sed plus multo ualebat periculorum impendentium timor. quis enim erat ciuium qui sibi solutam P. Clodi praeturam sine maximo rerum nouarum metu proponeret? solutam autem fore uidebatis, nisi esset is consul qui eam auderet possetque constringere. eum Milonem unum esse cum sentiret uniuersus populus Romanus, quis dubitaret suffragio suo se metu, periculo rem publicam liberare? at nunc, Clodio remoto, usitatis iam rebus enitendum est Miloni ut tueatur dignitatem suam; singularis illa et huic uni concessa gloria quae cottidie augebatur frangendis furoribus Clodianis iam Clodi morte cecidit. uos adepti estis ne quem ciuem metueretis; hic exercitationem uirtutis, suffragationem consulatus, fontem perennem gloriae suae perdidit. itaque Milonis consulatus qui uiuo Clodio labefactari non poterat mortuo denique temptari coeptus est. non modo igitur nihil prodest sed obest etiam Clodi mors Miloni.

35 "At ualuit odium, fecit iratus, fecit inimicus, fuit ultor iniuriae, punitor doloris sui." quid? si haec non dico maiora fuerunt in Clodio quam in Milone, sed in illo maxima, nulla in hoc, quid uultis amplius? quid enim odisset Clodium Milo, segetem ac materiem suae gloriae, praeter hoc ciuile odium quo omnes improbos odimus? ille erat ut odisset primum defensorem salutis meae, deinde uexatorem furoris, domitorem armorum suorum, postremo etiam accusatorem suum [reus enim Milonis

9 *post* posses *inseruit Peyron fragmentum partim ap. Quint. Inst. 9.2.54, partim ap. Schol. Bob. 173.7–9 St. seruatum* 14 exsequiis *seclusi* 16 non *secl. Corbeill* 17 *post* debeo *lacunam indicat* **E**^{c} **34** 1 Videtis, iudices, quantum Clodi inter *suppl. Halm (exempli gratia)* 1–9 fuerit ... solutam *seruat* **P** *solus* **35** 5 ille **ET** illi *Clark* 7–8 reus ... Clodius *seclusi* (reus ... uixit *iam Bake*)

lege Plotia fuit Clodius] quoad uixit. quo tandem animo hoc tyrannum illum tulisse creditis? quantum odium illius (et in homine iniusto quam etiam iustum) fuisse? 10

Reliquum est ut iam illum natura ipsius consuetudoque defendat, hunc **36** autem haec eadem coarguant: "nihil per uim umquam Clodius, omnia per uim Milo." quid? ego, iudices, cum maerentibus uobis urbe cessi, iudiciumne timui, non seruos, non arma, non uim? quae fuisset igitur iusta causa restituendi mei, nisi fuisset iniusta eiciendi? diem mihi, credo, dixerat, multam irrogarat, actionem perduellionis intenderat, et mihi uidelicet in causa aut mala aut mea, non et praeclarissima et uestra, iudicium timendum fuit. seruorum et egentium ciuium et facinorosorum armis meos ciues, meis consiliis periculisque seruatos, pro me obici nolui. uidi **37** enim, uidi hunc ipsum Q. Hortensium, lumen et ornamentum rei publicae, paene interfici seruorum manu cum mihi adesset; qua in turba C. Vibienus senator, uir optimus, cum hoc cum esset una, ita est mulcatus ut uitam amiserit. itaque quando illius postea sica illa quam a Catilina acceperat conquieuit? haec intenta nobis est, huic ego uos obici pro me non sum passus, haec insidiata Pompeio est, haec istam Appiam, monumentum sui nominis, nece Papiri cruentauit, haec eadem longo interuallo conuersa rursus est in me; nuper quidem, ut scitis, me ad Regiam paene confecit.

Quid simile Milonis? cuius uis omnis haec semper fuit, ne P. Clodius, **38** cum in iudicium detrahi non posset, ui oppressam ciuitatem teneret. quem si interficere uoluisset, quantae quotiens occasiones, quam praeclarae fuerunt! potuitne, cum domum ac deos penates suos illo oppugnante defenderet, iure se ulcisci, potuitne ciue egregio et uiro fortissimo, P. Sestio, collega suo, uulnerato, potuitne Q. Fabricio, uiro optimo, cum de reditu meo legem ferret, pulso, crudelissima in foro caede facta, potuitne L. Caecili, iustissimi fortissimique praetoris, oppugnata domo, potuitne illo die quo est lata lex de me, cum totius Italiae concursus, quem mea salus concitarat, facti illius gloriam libens agnouisset, ut, etiam si id Milo fecisset, cuncta ciuitas eam laudem pro sua uindicaret? at quod erat **39** tempus! clarissimus et fortissimus consul, inimicus Clodio, [P. Lentulus,] ultor sceleris illius, propugnator senatus, defensor uestrae uoluntatis, patronus publici consensus, restitutor salutis meae; septem praetores, octo tribuni plebei illius aduersarii, defensores mei; Cn. Pompeius, auctor et dux mei reditus, illius hostis, cuius sententiam senatus omnis de salute mea grauissimam et ornatissimam secutus est, qui populum Romanum est

36 7 non et **W** non ei **ET** 8 ciuium *secl. Clark olim* **37** 6 intenta **HV**ᶜ *Asc.* intentata **ET** 7 istam Appiam **ET** ista uiam Appiam **H** uiam Appiam *Asc.* **38** 9 quo **HV**ᶜ cum **ET** **39** 2 fortissimus consul **ET** fortissimus uir consul **H** P. Lentulus *secl. Bake* (*hab. Schol. Bob.*) 6 omnis *om.* **E**, *secl. Bake*

cohortatus; qui cum decretum de me Capuae fecisset, ipse cunctae Italiae cupienti et eius fidem imploranti signum dedit ut ad me restituendum
10 Romam concurreret; omnium denique in illum odia ciuium ardebant desiderio mei, quem qui tum interemisset, non de impunitate eius, sed
40 de praemiis cogitaretur. tum se Milo continuit et P. Clodium in iudicium bis, ad uim numquam uocauit.

Quid? priuato Milone et reo ad populum accusante P. Clodio, cum in Cn. Pompeium pro Milone dicentem impetus factus est, quae tum non
5 modo occasio sed etiam causa illius opprimendi fuit? nuper uero cum M. Antonius summam spem salutis bonis omnibus attulisset grauissimamque adulescens nobilissimus rei publicae partem fortissime suscepisset, atque illam beluam, iudici laqueos declinantem, iam irretitam teneret, qui locus, quod tempus illud, di immortales, fuit! cum se ille fugiens in
10 scalarum tenebras abdidisset, magnum Miloni fuit conficere illam pestem
41 nulla sua inuidia, M. uero Antoni maxima gloria? quid? comitiis in Campo quotiens potestas fuit! cum ille in saepta irrupisset, gladios destringendos, lapides iaciendos curasset, dein subito uultu Milonis perterritus fugeret ad Tiberim, uos et omnes boni uota faceretis ut Miloni uti uirtute sua
5 liberet. quem igitur cum omnium gratia noluit, hunc uoluit cum aliquorum querela, quem iure, quem loco, quem tempore, quem impune non est ausus, hunc iniuria, iniquo loco, alieno tempore, periculo capitis non dubitauit occidere?

42 Praesertim, iudices, cum honoris amplissimi contentio et dies comitiorum subesset, quo quidem tempore – scio enim quam timida sit ambitio quantaque et quam sollicita sit cupiditas consulatus – omnia non modo quae reprehendi palam sed etiam quae obscure cogitari possunt timemus,
5 [rumorem,] fabulam falsam, fictam, leuem perhorrescimus, ora omnium atque oculos intuemur. nihil est enim tam molle, tam tenerum, tam aut fragile aut flexibile quam uoluntas erga nos sensusque ciuium, qui non modo improbitati irascuntur candidatorum sed etiam in recte factis saepe
43 fastidiunt. hunc igitur diem Campi speratum atque exoptatum sibi proponens Milo, cruentis manibus scelus et facinus prae se ferens et confitens ad illa augusta centuriarum auspicia ueniebat? quam hoc non credibile in hoc, quam idem in Clodio non dubitandum, cum se ille interfecto Milone

10 concurreret **HV**[c] -ent **E** cucurrerent **T** omnium *Heumann* omnia tum **HBET** **41** 2 irrupisset **CH** ruisset **ET** irruisset **s** **42** 4 quae obscure **CHE** obscure quae **TW** 5 rumorem *seclusi* rumorem fabulam falsam fictam (fictam falsam **T**) leuem **CET** rumorem fictam (*sic*) leuem **H** rumorem leuem, fabulam fictam *Modius* **43** 3 credibile **ET** credibile est **H** 4 cum *Halm* quin (*ex* qui **T**) **ETW** qui **HV**[c]

regnaturum putaret! quid? quod caput est audaciae, iudices? quis ignorat 5
maximam illecebram esse peccandi impunitatis spem? in utro igitur haec
fuit? in Milone qui etiam nunc reus est facti aut praeclari aut certe neces-
sari, an in Clodio qui ita iudicia poenamque contempserat ut eum nihil
delectaret quod aut per naturam fas esset aut per leges liceret?

Sed quid ego argumentor, quid plura disputo? te, Q. Petilli, appello, **44**
optimum et fortissimum ciuem; te, M. Cato, testor, quos mihi diuina
quaedam sors dedit iudices. uos ex M. Fauonio audistis Clodium sibi
dixisse, et audistis uiuo Clodio, periturum Milonem triduo. post diem
tertium gesta res est quam dixerat. cum ille non dubitarit aperire quid 5
cogitaret, uos potestis dubitare quid fecerit?

Quem ad modum igitur eum dies non fefellit? dixi equidem modo. dic- **45**
tatoris Lanuuini stata sacrificia nosse negoti nihil erat. uidit necesse esse
Miloni proficisci Lanuuium illo ipso quo est profectus die: itaque anteuer-
tit. at quo die! quo, ut ante dixi, fuit insanissima contio ab ipsius mercen-
nario tribuno plebis concitata: quem diem ille, quam contionem, quos 5
clamores, nisi ad cogitatum facinus approperaret, numquam reliquisset.
ergo illi ne causa quidem itineris, etiam causa manendi; Miloni manendi
nulla facultas, exeundi non causa solum sed etiam necessitas fuit.

Quid, si ut ille sciuit Milonem fore eo die in uia, sic Clodium Milo
ne suspicari quidem potuit? primum quaero qui id scire potuerit, quod **46**
uos idem in Clodio quaerere non potestis. ut enim neminem alium nisi
T. Patinam, familiarissimum suum, rogasset, scire potuit [illo ipso die]
Lanuui a dictatore Milone prodi flaminem necesse esse. sed erant per-
multi alii ex quibus id facillime scire posset [omnes scilicet Lanuuini]. 5
Milo de Clodi reditu unde quaesiuit? quaesierit sane – uidete quid uobis
largiar – seruum etiam, ut Q. Arrius, meus amicus, dixit, corruperit. legite
testimonia testium uestrorum. dixit C. Causinius Schola, Interamnanus,
familiarissimus et idem comes Clodi, cuius iam pridem testimonio Clodius
eadem hora Interamnae fuerat et Romae, P. Clodium illo die in Albano 10
mansurum fuisse, sed subito ei esse nuntiatum Cyrum architectum esse
mortuum, itaque repente Romam constituisse proficisci. dixit hoc item
comes P. Clodi, C. Clodius.

5 est audaciae **HV^c^E** audaciae est **T** est [audaciae] *Ferrarius* iudices? *distinxi* 7 necessari *scripsi* -ii **HET** **44** 1 Petilli *scripsi* Petili **ET** *om.* **H** 5 dubitarit *Seuerianus* -auerit *grammatici nonnulli* -aret **HET** 6 cogitaret **H** *Seuerianus* -arit **ET** *grammatici nonnulli* **45** 4 at quo die! *distinxi* **46** 1 qui id *Halm* qui **HV^c^** quid **ET** 3 illo ipso die *secl. Berry* 5 omnes (homines **HV^c^**) scilicet Lanuuini (Lan. *om.* **H**) *secl. Lambinus* 8 Interamnanus **ς** interamnenus **HE** piter amnanus **T** inter amnanos *codd. Asc.* Interamnas *Graevius* 9–10 cuius ... Romae *om.* **H** *Asc.* 12 item comes **HV^c^** comes item **ET**

47 Videte, iudices, quantae res his testimoniis sint confectae. primum certe liberatur Milo non eo consilio profectus esse ut insidiaretur in uia Clodio: quippe, si ille obuius ei futurus omnino non erat. deinde – non enim uideo cur non meum quoque agam negotium – scitis, iudices, fuisse qui
5 in hac rogatione suadenda diceret Milonis manu caedem esse factam, consilio uero maioris alicuius: me uidelicet latronem ac sicarium abiecti homines et perditi describebant. iacent suis testibus [hi] qui Clodium negant eo die Romam, nisi de Cyro audisset, fuisse rediturum. respiraui, liberatus sum; non uereor ne, quod ne suspicari quidem potuerim, uidear
10 id cogitasse.

48 Nunc persequar cetera; nam occurrit illud: "igitur ne Clodius quidem de insidiis cogitauit, quoniam fuit in Albano mansurus." si quidem exiturus ad caedem e uilla non fuisset. uideo enim illum qui dicatur de Cyri morte nuntiasse non id nuntiasse, sed Milonem appropinquare. nam quid de
5 Cyro nuntiaret quem Clodius Roma proficiscens reliquerat morientem? una fui, testamentum Cyri simul obsignaui cum Clodio; testamentum autem palam fecerat et illum heredem et me scripserat. quem pridie hora tertia animam efflantem reliquisset, eum mortuum postridie hora decima
49 denique ei nuntiabatur? age, sit ita factum: quae causa fuit cur Romam properaret, cur in noctem se coniceret? quid afferebat festinationis quod heres erat? primum nihil erat cur properato opus esset; deinde si quid esset, quid tandem erat quod ea nocte consequi posset, amitteret autem,
5 si postridie Romam mane uenisset?

Atque ut illi nocturnus ad urbem aduentus uitandus potius quam expetendus fuit, sic Miloni, cum insidiator esset, si illum ad urbem noctu accessurum sciebat, subsidendum atque exspectandum fuit. [noctu occidisset. nemo ei neganti non credidisset. insidioso et pleno latronum in loco
50 occidisset.] nemo ei neganti non credidisset quem esse omnes saluum etiam confitentem uolunt. sustinuisset crimen primum ipse ille latronum occultator et receptor locus, cum neque muta solitudo indicasset neque caeca nox ostendisset Milonem; deinde multi ab illo uiolati, spoliati, bonis
5 expulsi, multi haec etiam timentes in suspicionem caderent, tota denique rea citaretur Etruria.

51 Atque illo die certe Aricia rediens deuertit Clodius ad se in Albanum. quod ut sciret Milo illum Ariciae fuisse, suspicari tamen debuit eum,

47 5 diceret **HV**[c] *Asc. Schol. Bob.* -ent **ET** 7 hi *secl. Garatoni* **48** 6 una fui ... cum Clodio **ET** cum Clodio una fui **CH** (cum Clodio *secl. Richter*) Cyri *om.* **T**, *secl. edd.* **49** 1 causa fuit **HV**[c] causa **ET** 6 atque **HET** atqui *Asc.* 8–10 noctu occidisset ... occidisset *om.* **ET**, *hab.* **HV**[c] (nemo ei neganti non credidisset *om.* **H**[c] *in mg. et* ς) **50** 3 cum *Ernesti* tum **HET** **51** 1 se in **H** *om.* **ET**

etiam si Romam illo die reuerti uellet, ad uillam suam quae uiam tangeret deuersurum. cur nec ante occurrit ne ille in uilla resideret, nec eo in loco subsedit quo ille noctu uenturus esset? 5

52 Video adhuc constare, iudices, omnia: Miloni etiam utile fuisse Clodium uiuere, illi ad ea quae concupierat optatissimum interitum Milonis; odium fuisse illius in hunc acerbissimum, nullum huius in illum; consuetudinem illius perpetuam in ui inferenda, huius tantum in repellenda; mortem ab illo Miloni denuntiatam et praedicatam palam, nihil umquam auditum 5 ex Milone; profectionis huius diem illi notum, reditus illius huic ignotum fuisse; huius iter necessarium, illius etiam potius alienum; hunc prae se tulisse se illo die [Romam] exiturum, illum eo die se dissimulasse redditurum; hunc nullius rei mutasse consilium, illum causam mutandi consili finxisse; huic, si insidiaretur, noctem prope urbem exspectandam, illi, 10 etiam si hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum.

53 Videamus nunc id quod caput est, locus ad insidias ille ipse ubi congressi sunt utri tandem fuerit aptior. id uero, iudices, etiam dubitandum et diutius cogitandum est? ante fundum Clodi quo in fundo propter insanas illas substructiones facile hominum mille uersabatur ualentium, edito aduersari atque excelso loco superiorem se fore putarat Milo, et ob 5 eam rem eum locum ad pugnam potissimum elegerat – an in eo loco est potius exspectatus ab eo qui ipsius loci spe facere impetum cogitarat? res loquitur ipsa, iudices, quae semper ualet plurimum.

54 Si haec non gesta audiretis, sed picta uideretis, tamen appareret uter esset insidiator, uter nihil cogitaret mali, cum alter ueheretur in raeda paenulatus, una sederet uxor. quid horum non impeditissimum? uestitus an uehiculum an comes? quid minus promptum ad pugnam, cum paenula irretitus, raeda impeditus, uxore paene constrictus esset? uidete nunc 5 illum primum egredientem e uilla – subito: cur? uesperi: quid necesse est? tarde: qui conuenit, praesertim id temporis? deuertit in uillam Pompei. Pompeium ut uideret? sciebat in Alsiensi esse. uillam ut perspiceret? miliens in ea fuerat. quid ergo erat? morae et tergiuersationes: dum hic ueniret, locum relinquere noluit. **55** age nunc iter expediti latronis cum Milonis impedimentis comparate. semper ille antea cum uxore, tum sine ea; numquam nisi in raeda, tum in equo; comites Graeculi, quocumque ibat,

52 5 praedicatam **HET** praedictam ς 6 reditus **ET** -um **H** 8 tulisse se **H** tulisse **ET** Romam *secl. Clark* Roma ς **53** 4 uersabatur **C** *Gellius* -bantur **HET** *Pompeius* 6 elegerat – *distinxi* (*uulgo uirgula*) **54** 2 nihil cogitaret mali **ET** nihil mali cogitaret **HV**[c] 6 uesperi **ET** uespere **HV**[c] 9 morae et tergiuersationes *Baiter* morae et tergiuersationis **ET** mora et tergiuersatio **H**

etiam cum in castra Etrusca properabat, tum nugarum in comitatu nihil.
5 Milo qui numquam, tum casu pueros symphoniacos [uxoris] ducebat et ancillarum greges; ille qui semper secum scorta, semper exoletos, semper lupas duceret, tum neminem nisi ut uirum a uiro lectum esse diceres.

Cur igitur uictus est? quia non semper uiator a latrone, non numquam etiam latro a uiatore occiditur; quia, quamquam paratus in imparatos **56** Clodius, tamen mulier inciderat in uiros. nec uero sic erat umquam non paratus Milo contra illum ut non satis fere esset paratus; semper [ille] et quantum interesset P. Clodi se interire et quanto illi odio esset et quantum ille auderet cogitabat. quam ob rem uitam suam, quam maximis 5 praemiis propositis paene addictam sciebat, numquam in periculum sine praesidio et sine custodia proiciebat. adde casus, adde incertos exitus pugnarum Martemque communem, qui saepe spoliantem iam et exsultantem euertit et perculit ab abiecto; adde inscitiam pransi, poti, oscitantis ducis qui, cum a tergo hostem interclusum reliquisset, nihil de eius extremis 10 comitibus cogitauit, in quos incensos ira uitamque domini desperantes cum incidisset, haesit in iis poenis quas ab eo serui fideles pro domini uita expetiuerunt.

57 Cur igitur eos manu misit? metuebat scilicet ne indicaretur, ne dolorem perferre non possent, ne tormentis cogerentur occisum esse a seruis Milonis in Appia uia P. Clodium confiteri. quid opus est tortore? quid quaeris? occideritne? occidit. iure an iniuria? nihil ad tortorem: facti enim 5 in eculeo quaestio est, iuris in iudicio. quod igitur in causa quaerendum est, id agamus hic; quod tormentis inueniri uis, id fatemur. manu uero cur miserit, si id potius quaeris quam cur parum amplis affecerit prae- **58** miis, nescis inimici factum reprehendere. dixit enim hic idem qui omnia semper constanter et fortiter, M. Cato, et dixit in turbulenta contione, quae tamen huius auctoritate placata est, non libertate solum sed etiam omnibus praemiis dignissimos fuisse qui domini caput defendissent. quod 5 enim praemium satis magnum est tam beneuolis, tam bonis, tam fidelibus seruis, propter quos uiuit? etsi id quidem non tanti est quam quod propter eosdem non sanguine et uulneribus suis crudelissimi inimici mentem oculosque satiauit. quos nisi manu misisset, tormentis etiam dedendi fuerunt conseruatores domini, ultores sceleris, defensores necis. hic uero 10 nihil habet in his malis quod minus moleste ferat quam, etiam si quid ipsi accidat, esse tamen illis meritum praemium persolutum.

55 5 uxoris *seclusi* 10 Clodius **ET** (*secl. Richter*) Clodius, ipse Clodius **H** **56** 2 ille *secl. Garatoni* ipse *Clark* 3 interire **HV**[c] perire **ET** 5 propositis *Reid* propositam et **HBET** **57** 3 tortore **ET** terrore **H** 6 id agamus **HET** indagamus *Mommsen* inueniri **HV**[c] -ire **ET** **58** 1 omnia semper **ET** semper omnia **H**

Sed quaestiones urgent Milonem, quae sunt habitae nunc in atrio **59**
Libertatis. quibusnam de seruis? "rogas? de P. Clodi." quis eos postulauit?
"Appius." quis produxit? "Appius." unde? "ab Appio." di boni! quid potest
agi seuerius? [de seruis nulla lege quaestio est in dominum nisi de incestu,
ut fuit in Clodium.] proxime deos Clodius accessit, propius quam tum 5
cum ad ipsos penetrarat, cuius de morte tamquam de caerimoniis uiolatis
quaeritur. sed tamen maiores nostri in dominum quaeri noluerunt, non
quia non posset uerum inueniri, sed quia uidebatur indignum et dominis
morte ipsa tristius: in reum de seruo accusatoris cum quaeritur, uerum
inueniri potest? age uero, quae erat aut qualis quaestio? "heus tu, Rufio," **60**
uerbi causa, "caue sis mentiare: Clodius insidias fecit Miloni?" "fecit":
certa crux. "nullas fecit": sperata libertas. quid hac quaestione certius?
subito arrepti in quaestionem tamen separantur a ceteris et in arcas con-
iciuntur ne quis cum iis colloqui possit: hi centum dies penes accusatorem 5
cum fuissent ab eo ipso accusatore producti sunt. quid hac quaestione
dici potest integrius, quid incorruptius?

Quod si nondum satis cernitis, cum res ipsa tot tam claris argumentis **61**
signisque luceat, pura mente atque integra Milonem, nullo scelere imbu-
tum, nullo metu perterritum, nulla conscientia exanimatum Romam
reuertisse, recordamini, per deos immortales, quae fuerit celeritas reditus
eius, qui ingressus in forum ardente curia, quae magnitudo animi, qui 5
uultus, quae oratio. neque uero se populo solum sed etiam senatui com-
misit, neque senatui modo sed etiam publicis praesidiis et armis, neque
his tantum uerum etiam eius potestati cui senatus totam rem publicam,
omnem Italiae pubem, cuncta populi Romani arma commiserat: cui num-
quam se hic profecto tradidisset nisi causae suae confideret, praesertim 10
omnia audienti, magna metuenti, multa suspicanti, non nulla credenti.
magna uis est conscientiae, iudices, et magna in utramque partem, ut
neque timeant qui nihil commiserint et poenam semper ante oculos uer-
sari putent qui peccarint.

Neque uero sine ratione certa causa Milonis semper a senatu probata **62**
est; uidebant sapientissimi homines facti rationem, praesentiam animi,
defensionis constantiam. an uero obliti estis, iudices, recenti illo nuntio
necis Clodianae non modo inimicorum Milonis sermones et opiniones
sed non nullorum etiam imperitorum? negabant eum Romam esse red- 5
iturum. siue enim illud animo irato ac percito fecisset ut incensus odio **63**
trucidaret inimicum, arbitrabantur eum tanti mortem P. Clodi putasse

59 4–5 de seruis ... in Clodium *secl. Heumann* 7 non quia non **H** non quin non **ET** non quin *Halm* 8 dominis **HV**[c] -i **ET** **60** 4 a ceteris **HET** ceteri *Clark* 6 accusatore *secl. Halm* **63** 1 percito *ς* perdito **HET**

ut aequo animo patria careret, cum sanguine inimici explesset odium suum; siue etiam illius morte patriam liberare uoluisset, non dubitaturum
5 fortem uirum quin, cum suo periculo salutem populo Romano attulisset, cederet aequo animo legibus, secum auferret gloriam sempiternam, uobis haec fruenda relinqueret quae ipse seruasset. multi etiam Catilinam atque illa portenta loquebantur: "erumpet, occupabit aliquem locum, bellum patriae faciet." miseros interdum ciues optime de re publica meritos,
10 in quibus homines non modo res praeclarissimas obliuiscuntur sed etiam
64 nefarias suspicantur! ergo illa falsa fuerunt quae certe uera exstitissent, si Milo admisisset aliquid quod non posset honeste uereque defendere.

Quid? quae postea sunt in eum congesta, quae quemuis etiam mediocrium delictorum conscientia perculissent, ut sustinuit, di immortales!
5 sustinuit? immo uero ut contempsit ac pro nihilo putauit, quae neque maximo animo nocens neque innocens nisi fortissimus uir neglegere potuisset! scutorum, gladiorum, pilorum, frenorum etiam multitudo deprehendi posse indicabatur; nullum in urbe uicum, nullum angiportum esse dicebant in quo non Miloni conducta esset domus; arma in uillam
10 Ocriculanam deuecta Tiberi, domus in cliuo Capitolino scutis referta, plena omnia malleolorum ad urbis incendia comparatorum: haec non delata solum, sed paene credita, nec ante repudiata sunt quam quaesita.

65 Laudabam equidem incredibilem diligentiam Cn. Pompei, sed dicam ut sentio, iudices: nimis multa audire coguntur neque aliter facere possunt ii quibus commissa tota est res publica. quin etiam fuit audiendus popa, Licinius nescio qui de circo maximo, seruos Milonis apud se ebrios factos
5 sibi confessos se de interficiendo Cn. Pompeio coniurasse, dein postea se gladio percussum esse [ab uno de illis] ne indicaret. Pompeio nuntiatur in hortos; arcessor in primis; de amicorum sententia rem defert ad senatum. non poteram in illius mei patriaeque custodis tanta suspicione non metu exanimari, sed mirabar tamen credi popae, confessionem seruorum
10 audiri, uulnus in latere quod acu punctum uideretur pro ictu gladiato-
66 ris probari. uerum, ut intellego, cauebat magis Pompeius quam timebat, non ea solum quae timenda erant, sed omnia, ne uos aliquid timeretis. oppugnata domus C. Caesaris, clarissimi ac fortissimi uiri, multas noctis horas nuntiabatur: nemo audierat tam celebri loco, nemo senserat; tamen

64 10 domus ... referta **HET** domus ... -as *Heumann* -um ... -am *R. Klotz* **65** 3 commissa tota est res publica **V**[c] tota commissa est res publica **ET** commissa tota rei publicae est **H** quin ... fuit *ed. Iuntina* quin ... fuerit **HET** cui ... fuerit *Madvig* 5 confessos se **HV**[c] confessos esse **ET** confessos esse se *Lambinus* 6 ab uno de illis *seclusi* nuntiatur in hortos **H** in hortos nuntiauit **ET** in hortos nuntiatur *A. Klotz* **66** 3 multas **HV**[c] per multas **ET**

audiebatur. non poteram Cn. Pompeium, praestantissima uirtute uirum, 5
timidum suspicari; diligentiam tota re publica suscepta nimiam nullam
putabam. frequentissimo senatu nuper in Capitolio senator inuentus est
qui Milonem cum telo esse diceret. nudauit se in sanctissimo templo, quoniam uita talis et ciuis et uiri fidem non faciebat, ut eo tacente res ipsa
loqueretur: omnia falsa atque insidiose ficta comperta sunt. **67**

Cur tamen [si] metuitur etiam nunc Miloni? non iam hoc Clodianum
crimen timemus, sed tuas, Cn. Pompei – te enim appello, et ea uoce ut me
exaudire possis – tuas, inquam, suspiciones perhorrescimus. si Milonem
times, si hunc de tua uita nefarie aut nunc cogitare aut molitum aliquando 5
aliquid putas, si Italiae dilectus, ut non nulli conquisitores tui dictitarunt,
si haec arma, si Capitolinae cohortes, si excubiae, si uigiliae, si delecta
iuuentus quae tuum corpus domumque custodit contra Milonis impetum
armata est, atque illa omnia in hunc unum constituta, parata, intenta
sunt, magna in hoc certe uis et incredibilis animus et non unius uiri uires 10
atque opes iudicantur, si quidem in hunc unum et praestantissimus dux
electus et tota res publica armata est. sed quis non intellegit omnes tibi rei **68**
publicae partes aegras et labantes, ut eas his armis sanares et confirmares,
esse commissas?

Quod si locus Miloni datus esset, probasset profecto tibi ipse neminem umquam hominem homini cariorem fuisse quam te sibi; nullum 5
se umquam periculum pro tua dignitate fugisse; cum illa ipsa taeterrima peste se saepissime pro tua gloria contendisse; tribunatum suum ad
salutem meam, quae tibi carissima fuisset, consiliis tuis gubernatum; se a
te postea defensum in periculo capitis, adiutum in petitione praeturae;
duos se habere semper amicissimos sperasse, te tuo beneficio, me suo. 10

Quae si non probaret, si tibi ita penitus inhaesisset ista suspicio nullo ut
euelli modo posset, si denique Italia a dilectu, urbs ab armis sine Milonis
clade numquam esset conquietura, ne iste haud dubitans cessisset patria,
is qui ita natus est et ita consueuit; te, Magne, tamen ante testaretur, quod
nunc etiam facit. uides quam sit uaria uitae commutabilisque ratio, quam **69**
uaga uolubilisque fortuna, quantae infidelitates in amicitiis, quam ad tempus aptae simulationes, quantae in periculis fugae proximorum, quantae

6 tota **ET** pro tota **HV**[c] (*quo probato etiam* susceptam ς) **67** 1 falsa **ET** false **HV**[c] insidiose **ET** insidiosa **HV**[c] inuidiose ς 2 Cur tamen [si] metuitur ... Miloni *scripsi* cum tamen si metuitur ... Milo **HET** uerum tamen si metuitur ... Milo *Schulz, alii alia* 3 et ea uoce *Asc.* ea uoce **HET** 4 exaudire *Asc.* audire **HET** 9 constituta **HV**[c] inst- **ET** **68** 4 ipse *scripsi* ipsi **HET** 11 nullo ut ... modo posset **ET** ut nullo ... posset modo **H** ut nullo ... modo posset **V**[c] 13 iste **HET** ille ς ipse *Madvig, Clark*

timiditates. erit, erit illud profecto tempus et illucescet ille aliquando dies,
5 cum tu saluis, ut spero, rebus tuis, sed fortasse in motu aliquo communium temporum, qui quam crebro accidat experti scire debemus, et amicissimi beneuolentiam et grauissimi hominis fidem et unius post homines natos fortissimi uiri magnitudinem animi desideres.

70 Quamquam quis hoc credat, Cn. Pompeium, iuris publici, moris maiorum, rei denique publicae peritissimum, cum senatus ei commiserit ut uideret ne quid res publica detrimenti caperet, quo uno uersiculo satis armati semper consules fuerunt etiam nullis armis datis, hunc exercitu,
5 hunc dilectu dato, iudicium exspectaturum fuisse in eius consiliis uindicandis qui ui iudicia ipsa tolleret? satis iudicatum est a Pompeio, satis, falso ista conferri in Milonem, qui legem tulit qua, ut ego sentio, Milonem
71 absolui a uobis oporteret, ut omnes confitentur, liceret. quod uero in illo loco atque illis publicorum praesidiorum copiis circumfusus sedet, satis declarat se non terrorem inferre uobis – quid enim minus illo dignum quam cogere ut uos eum condemnetis in quem animaduertere ipse et
5 more maiorum et suo iure posset? – sed praesidio esse, ut intellegatis contra hesternam illam contionem licere uobis quod sentiatis libere iudicare.

72 Nec uero me, iudices, Clodianum crimen mouet, nec tam sum demens tamque uestri sensus ignarus atque expers ut nesciam quid de morte Clodi sentiatis. de qua si iam nollem ita diluere crimen ut dilui, tamen impune Miloni palam clamare ac mentiri gloriose liceret: "occidi, occidi,
5 non Sp. Maelium qui annona leuanda iacturisque rei familiaris, quia nimis amplecti plebem uidebatur, in suspicionem incidit regni appetendi, non Ti. Gracchum qui collegae magistratum per seditionem abrogauit, quorum interfectores implerunt orbem terrarum nominis sui gloria, sed eum" – auderet enim dicere, cum patriam periculo suo liberasset – "cuius
10 nefandum adulterium in puluinaribus sanctissimis nobilissimae feminae
73 comprehenderunt; eum cuius supplicio senatus sollemnes religiones expiandas saepe censuit; eum quem cum sorore germana nefarium stuprum fecisse L. Lucullus iuratus se quaestionibus habitis dixit comperisse; eum qui ciuem quem senatus, quem populus Romanus, quem omnes
5 gentes urbis ac uitae ciuium conseruatorem iudicarant seruorum armis exterminauit; eum qui regna dedit ademit, orbem terrarum quibuscum uoluit partitus est; eum qui plurimis caedibus in foro factis singulari uirtute et gloria ciuem domum ui et armis compulit; eum cui nihil umquam nefas fuit nec in facinore nec in libidine; eum qui aedem Nympharum

69 5 saluis *Ant. Augustinus* salutaribus **HE** salubritatibus **T** salubribus *Garatoni* in motu *Luterbacher* motu **T** metu **HE** aliquo **H** aliquo in **ET** **71** 5 posset **HET** possit **V**[c]

incendit ut memoriam publicam recensionis tabulis publicis impressam 10
exstingueret; eum denique cui iam nulla lex erat, nullum ciuile ius, nulli **74**
possessionum termini, qui non calumnia litium, non iniustis uindiciis ac
sacramentis alienos fundos, sed castris, exercitu, signis inferendis pete-
bat; qui non solum Etruscos – eos enim penitus contempserat – sed hunc
P. Varium, fortissimum atque optimum ciuem, iudicem nostrum, pellere 5
possessionibus armis castrisque conatus est, qui cum architectis et decem-
pedis uillas multorum hortosque peragrabat, qui Ianiculo et Alpibus
spem possessionum terminabat suarum, qui cum ab equite Romano
splendido et forti, M. Paconio, non impetrasset ut sibi insulam in lacu
Prilio uenderet, repente lintribus in eam insulam materiem, calcem, cae- 10
menta, harenam conuexit dominoque trans ripam inspectante non dubi-
tauit aedificium exstruere in alieno; qui huic T. Furfanio, cui uiro – di **75**
immortales! quid enim ego de muliercula Scantia, quid de adulescente
P. Apinio dicam? quorum utrique mortem est minitatus, nisi sibi horto-
rum possessione cessissent – sed ausum esse T. Furfanio dicere, si sibi
pecuniam quantam posceret non dedisset, mortuum se in domum eius 5
illaturum, qua inuidia huic esset tali uiro conflagrandum; qui Appium
fratrem, hominem mihi coniunctum fidissima gratia, absentem de pos-
sessione fundi deiecit; qui parietem sic per uestibulum sororis instituit
ducere, sic agere fundamenta ut sororem non modo uestibulo priuaret
sed omni aditu et limine." 10

Quamquam haec quidem iam tolerabilia uidebantur, etsi aequabiliter **76**
in rem publicam, in priuatos, in longinquos, in propinquos, in alienos,
in suos irruebat, sed nescio quo modo usu iam obduruerat et percallu-
erat ciuitatis incredibilis patientia: quae uero aderant iam et impende-
bant, quonam modo ea aut depellere potuissetis aut ferre? imperium ille 5
si nactus esset – omitto socios, exteras nationes, reges, tetrarchas; uota
enim faceretis ut in eos se potius immitteret quam in uestras possessiones,
uestra tecta, uestras pecunias: pecunias dico? a liberis, mediusfidius, et
a coniugibus uestris numquam ille effrenatas suas libidines cohibuisset.
fingi haec putatis quae patent, quae nota sunt omnibus, quae tenentur, 10
seruorum exercitus illum in urbe conscripturum fuisse, per quos totam
rem publicam resque priuatas omnium possideret?

74 8 terminabat **HET** terminarat **P** 10 prilio **P** prelio **H** perelio **ET** 11 harenam **CH** arma **PET** **75** 3 P. Apinio *Peyron* papinio **P** apinio **T** aponio **HE** P. Aponio *Clark* minitatus **PET** minatus **HV**^{c} 4 cessissent **PHV**^{c} -et **ET** ausum **P**^{c}**HV**^{c}**T** ausus **P**^{ac}**E** esse T. *Richter* esset **HV**^{c}**E** esse **PT** 5 posceret **H** poposcerat **ET** 10 limine **ETB** lumine **H** **76** 10 haec putatis **ET** putatis haec **CH**

77 Quam ob rem si cruentum gladium tenens clamaret T. Annius: "adeste, quaeso, atque audite, ciues! P. Clodium interfeci, eius furores, quos nullis iam legibus, nullis iudiciis frenare poteramus, hoc ferro et hac dextera a ceruicibus uestris reppuli, per me ut unum ius aequitas, leges libertas, 5 pudor pudicitia maneret in ciuitate," esset uero timendum quonam modo id ferret ciuitas? nunc enim quis est qui non probet, qui non laudet, qui non unum post hominum memoriam T. Annium plurimum rei publicae profuisse, maxima laetitia populum Romanum, cunctam Italiam, nationes omnes affecisse et dicat et sentiat? non queo uetera illa populi Romani 10 gaudia quanta fuerint iudicare: multas tamen iam summorum imperatorum clarissimas uictorias aetas nostra uidit, quarum nulla neque tam diuturnam laetitiam attulit nec tantam. mandate hoc memoriae, iudices.

78 Spero multa uos liberosque uestros in re publica bona esse uisuros: in iis singulis ita semper existimabitis, uiuo P. Clodio nihil eorum uos uisuros fuisse. in spem maximam et, quem ad modum confido, uerissimam sumus adducti, hunc ipsum annum, hoc summo uiro consule, compressa 5 hominum licentia, cupiditatibus fractis, legibus et iudiciis constitutis, salutarem ciuitati fore. num quis igitur est tam demens qui hoc P. Clodio uiuo contingere potuisse arbitretur? quid? ea quae tenetis priuata atque uestra, dominante homine furioso quod ius perpetuae possessionis habere potuissent?

10 Non timeo, iudices, ne odio mearum inimicitiarum inflammatus libentius haec in illum euomere uidear quam uerius. etenim si praecipuum esse debebat, tamen ita communis erat omnium ille hostis ut in communi odio paene aequaliter uersaretur odium meum. non potest dici satis, ne cogitari quidem, quantum in illo sceleris, quantum exiti fuerit.

79 Quin sic attendite, iudices. [nempe haec est quaestio de interitu P. Clodi.] fingite animis – liberae sunt enim nostrae cogitationes et quae uolunt sic intuentur ut ea cernamus quae non uidemus – fingite igitur cogitatione imaginem huius condicionis meae, si possimus efficere Milonem ut 5 absoluatis, sed ita si P. Clodius reuixerit – quid uultu extimuistis? quonam modo ille uos uiuus afficeret quos mortuus inani cogitatione percussit? quid? si ipse Cn. Pompeius, qui ea uirtute ac fortuna est ut ea potuerit semper quae nemo praeter illum, si is, inquam, potuisset aut quaestionem de morte P. Clodi ferre aut ipsum ab inferis excitare, utrum putatis potius

77 5 maneret in ciuitate *Zielinski* in ciuitate *post* aequitas **CH**, *post* leges **E**, *post* pudicitia **T** (*olim secl. Clark*) **78** 5 fractis **V**[c]**ET** confractis **H**, *fort. recte* 6 igitur est **HV**[c] est igitur **ET** 7 arbitretur *ed. Aldina* arbitraretur **HET** 8 possessionis **ς** -es **HET** **79** 1–2 nempe haec est quaestio de interitu P. Clodi (nempe de interitu P. Clodi **H**) *secl. Clark* 3 cernamus **CH** -imus **ET** non uidemus **H** uidemus **CET**

facturum fuisse? etiam si propter amicitiam uellet illum ab inferis euo- 10
care, propter rem publicam non fecisset. eius igitur mortis sedetis ultores
cuius uitam si putetis per uos restitui posse nolitis, et de eius nece lata
quaestio est qui si lege eadem reuiuiscere posset, lata lex numquam esset.
huius ergo interfector si esset, in confitendo ab iisne poenam timeret
quos liberauisset? 15

Graeci homines deorum honores tribuunt iis uiris qui tyrannos necau- **80**
erunt – quae ego uidi Athenis, quae aliis in urbibus Graeciae! quas res
diuinas talibus institutas uiris, quos cantus, quae carmina! prope ad
immortalitatis et religionem et memoriam consecrantur – uos tanti con-
seruatorem populi, tanti sceleris ultorem non modo honoribus nullis affi- 5
cietis sed etiam ad supplicium rapi patiemini? confiteretur, confiteretur,
inquam, si fecisset, et magno animo et libenter, se fecisse libertatis omnium
causa quod esset non confitendum modo uerum etiam praedicandum.

Etenim si id non negat ex quo nihil petit nisi ut ignoscatur, dubitaret id **81**
fateri ex quo etiam praemia laudis essent petenda? nisi uero gratius putat
esse uobis sui se capitis quam uestri defensorem fuisse; cum praesertim
in ea confessione, si grati esse uelletis, honores assequeretur amplissi-
mos. sin factum uobis non probaretur – quamquam qui poterat salus sua 5
cuiquam non probari? – sed tamen si minus fortissimi uiri uirtus ciuibus
grata cecidisset, magno animo constantique cederet ex ingrata ciuitate.
nam quid esset ingratius quam laetari ceteros, lugere eum solum propter
quem ceteri laetarentur?

Quamquam hoc animo semper fuimus omnes in patriae proditoribus **82**
opprimendis ut, quoniam nostra futura esset gloria, periculum quoque
et inuidiam nostram putaremus. nam quae mihi ipsi tribuenda laus esset,
cum tantum in consulatu meo pro uobis ac liberis uestris ausus essem,
si id quod conabar sine maximis dimicationibus meis me esse ausurum 5
arbitrarer? quae mulier interficere sceleratum ac perniciosum ciuem non
auderet, si periculum non timeret? proposita inuidia, morte, poena qui
nihilo segnius rem publicam defendit, is uir uere putandus est. populi
grati est praemiis afficere bene meritos de re publica ciues, uiri fortis ne
suppliciis quidem moueri ut fortiter fecisse paeniteat. quam ob rem utere- **83**
tur eadem confessione T. Annius qua Ahala, qua Nasica, qua Opimius,
qua Marius, qua nosmet ipsi, et, si grata res publica esset, laetaretur; si
ingrata, tamen in graui fortuna conscientia sua niteretur.

Sed huius benefici gratiam, iudices, Fortuna populi Romani et uestra 5
Felicitas et di immortales sibi deberi putant. nec uero quisquam aliter

13 lata lex numquam **ET** ista lex lata numquam **H** ista lex numquam lata **V**[c] **80**
8 uerum etiam **ET** sed etiam uere **HV**[c] **81** 4 ea **ET** tali **H**

arbitrari potest, nisi qui nullam uim esse ducit numenque diuinum, quem neque imperi nostri magnitudo nec sol ille nec caeli signorumque motus nec uicissitudines rerum atque ordines mouent neque, id quod maxi-
10 mum est, maiorum nostrorum sapientia, qui sacra, qui caerimonias, qui auspicia et ipsi sanctissime coluerunt et nobis suis posteris prodiderunt.
84 est, est illa uis profecto, neque in his corporibus atque in hac imbecillitate nostra inest quiddam quod uigeat et sentiat, non inest in hoc tanto naturae tamque praeclaro motu. nisi forte idcirco non putant quia non apparet nec cernitur, proinde quasi nostram ipsam mentem qua sapimus,
5 qua prouidemus, qua haec ipsa agimus ac dicimus, uidere ac plane qualis aut ubi sit sentire possimus. ea uis igitur ipsa quae saepe incredibiles huic urbi felicitates atque opes attulit illam perniciem exstinxit ac sustulit, cui primum mentem iniecit ut ui irritare ferroque lacessere fortissimum uirum auderet uincereturque ab eo quem si uicisset habiturus esset impu-
10 nitatem et licentiam sempiternam.

85 Non est humano consilio, ne mediocri quidem, iudices, deorum immortalium cura res illa perfecta. regiones mehercule ipsae quae illam beluam cadere uiderunt commosse se uidentur et ius [in illo] suum retinuisse. uos enim iam, Albani tumuli atque luci, uos, inquam, imploro atque tes-
5 tor, uosque, Albanorum obrutae arae, sacrorum populi Romani sociae et aequales, quas ille praeceps amentia caesis prostratisque sanctissimis lucis substructionum insanis molibus oppresserat; uestrae tum religiones uiguerunt, uestra uis ualuit, quam ille omni scelere polluerat; tuque ex tuo edito monte Latiari, sancte Iuppiter, cuius ille lacus nemora fin-
10 esque saepe omni nefario stupro et scelere macularat, aliquando ad eum puniendum oculos aperuisti: uobis illae, uobis uestro in conspectu serae,
86 sed iustae tamen et debitae poenae solutae sunt. nisi forte hoc etiam casu factum esse dicemus ut ante ipsum sacrarium Bonae Deae, quod est in fundo T. Serti Galli, imprimis honesti et ornati adulescentis, ante ipsam, inquam, Bonam Deam, cum proelium commisisset, primum illud uulnus
5 acciperet quo taeterrimam mortem obiret, ut non absolutus iudicio illo nefario uideretur, sed ad hanc insignem poenam reseruatus.

Nec uero non eadem ira deorum hanc eius satellitibus iniecit amentiam ut sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamentis, sine laudationibus, [sine funere,] oblitus cruore et luto, spoliatus illius

84 1 est, est **HV**[c] est in **B** est igitur **E** est **T** illa uis profecto **CH** profecto uis illa **ET** 5 ac plane **ET** aut plane **CH** **85** 2 regiones **HV**[c] religiones **ET** mehercule **ET** mehercules **HV**[c] 3 in illo *seclusi* 7 tum religiones **HV**[c] tum arae uestrae religiones **ET** **86** 8 sine lamentis *om.* **HB** 9 sine funere *seclusi*

supremi diei celebritate cui cedere inimici etiam solent amburereretur 10
abiectus. non fuisse credo fas clarissimorum uirorum formas illi taeterrimo parricidae aliquid decoris afferre, neque ullo in loco potius mortem eius lacerari quam in quo esset uita damnata.

Dura, mediusfidius, mihi iam Fortuna populi Romani et crudelis uidebatur, quae tot annos illum in hanc rem publicam insultare pateretur. **87** polluerat stupro sanctissimas religiones, senatus grauissima decreta perfregerat, pecunia se a iudicibus palam redemerat, uexarat in tribunatu senatum, omnium ordinum consensu pro salute rei publicae gesta resciderat, me patria expulerat, bona diripuerat, domum incenderat, liberos, 5 coniugem meam uexarat, Cn. Pompeio nefarium bellum indixerat, magistratuum priuatorumque caedes effecerat, domum mei fratris incenderat, uastarat Etruriam, multos sedibus ac fortunis eiecerat; instabat, urgebat; capere eius amentiam ciuitas, Italia, prouinciae, regna non poterant; 10 incidebantur iam domi leges quae nos seruis nostris addicerent; nihil erat cuiusquam, quod quidem ille adamasset, quod non hoc anno suum fore putaret. obstabat eius cogitationibus nemo praeter Milonem. illum ipsum **88** qui poterat obstare nouo reditu in gratiam sibi deuinctum arbitrabatur; Caesaris potentiam suam esse dicebat; bonorum animos in meo casu contempserat: Milo unus urgebat.

Hic di immortales, ut supra dixi, mentem illi perdito ac furioso ded- 5 erunt ut huic faceret insidias. aliter perire pestis illa non potuit; numquam illum res publica suo iure esset ulta. senatus, credo, praetorem eum circumscripsisset. ne cum solebat quidem id facere, in priuato eodem hoc aliquid profecerat. an consules in praetore coercendo fortes fuissent? pri- **89** mum Milone occiso habuisset suos consules; deinde quis in eo praetore consul fortis esset per quem tribunum uirtutem consularem crudelissime uexatam esse meminisset? oppressisset omnia, possideret, teneret; lege noua, quae est inuenta apud eum cum reliquis legibus Clodianis, seruos 5 nostros libertos suos effecisset; postremo, nisi eum di immortales in eam mentem impulissent ut homo effeminatus fortissimum uirum conaretur occidere, hodie rem publicam nullam haberetis.

An ille praetor, ille uero consul, si modo haec templa atque ipsa moe- **90** nia stare eo uiuo tam diu et consulatum eius exspectare potuissent, ille denique uiuus mali nihil fecisset cui mortuo unus ex suis satellitibus [Sex.

88 2 sibi *Lambinus* quasi **PHET** deuinctum **PV**[c] deuictum **HET** 3 dicebat **PHET** ducebat *Cruquius* 8 solebat **HET** *Asc.* uolebat *Bake* **89** 5 quae ... Clodianis *secl. Bake* Clodianis **HET** Cloelianis *Corbeill* **90** 3 cui mortuo unus *Clark* cui (cum **T**) mortuus uno **ET** qui mortuo unus **H** qui mortuus uno *ς* Sex. Cloelio duce *secl. Clark*

Cloelio duce] curiam incenderit? quo quid miserius, quid acerbius, quid
5 luctuosius uidimus? templum sanctitatis, amplitudinis, mentis, consili
publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab
uniuerso populo concessam uni ordini, inflammari, exscindi, funestari,
neque id fieri a multitudine imperita, quamquam esset miserum id ipsum,
sed ab uno! qui cum tantum ausus sit ustor pro mortuo, quid signifer pro
10 uiuo non esset ausurus? in curiam potissimum abiecit, ut eam mortuus
incenderet quam uiuus euerterat.

91 Et sunt qui de uia Appia querantur, taceant de curia, et qui ab eo spi-
rante forum putent potuisse defendi, cuius non restiterit cadaueri curia?
excitate, excitate ipsum, si potestis, a mortuis: frangetis impetum uiui
cuius uix sustinetis furias insepulti? nisi uero sustinuistis eos qui cum
5 facibus ad curiam concurrerunt, cum armis ad Castoris, cum gladiis toto
foro uolitarunt. caedi uidistis populum Romanum, contionem gladiis dis-
turbari, cum audiretur silentio M. Caelius, tribunus plebis, uir et in re
publica fortissimus, in suscepta causa firmissimus, et bonorum uoluntati,
auctoritati senatus deditus, et in hac Milonis siue inuidia siue fortuna,
10 singulari diuina incredibili fide.

92 Sed iam satis multa de causa, extra causam etiam nimis fortasse multa.
quid restat nisi ut orem obtesterque uos, iudices, ut eam misericordiam
tribuatis fortissimo uiro quam ipse non implorat, ego etiam repugnante
hoc et imploro et exposco? nolite, si in nostro omnium fletu nullam lac-
5 rimam aspexistis Milonis, si uultum semper eundem, si uocem, si ora-
tionem stabilem ac non mutatam uidetis, hoc minus ei parcere: haud scio
an multo sit etiam adiuuandus magis. etenim si in gladiatoriis pugnis et
<in> infimi generis hominum condicione atque fortuna timidos et sup-
plices et ut uiuere liceat obsecrantes etiam odisse solemus, fortes et ani-
10 mosos et se acriter ipsos morti offerentes seruari cupimus, eorumque nos
magis miseret qui nostram misericordiam non requirunt quam qui illam
efflagitant, quanto hoc magis in fortissimis ciuibus facere debemus!

93 Me quidem, iudices, exanimant et interimunt hae uoces Milonis quas
audio assidue et quibus intersum cottidie. "ualeant," inquit, "ualeant ciues
mei; sint incolumes, sint florentes, sint beati; stet haec urbs praeclara
mihique patria carissima, quoquo modo erit merita de me; tranquilla re

6 urbis **ET** orbis **CH** 9 ab uno **ET** uno **H** **91** 5 concurrerunt ς cuc- **HET** armis *Zetzel* facibus **HET** falcibus ς fascibus *Lambinus* **92** 7 sit etiam adiuuandus **P** etiam sit adiuuandus **HE** etiam adiuuandus sit **T** 8 in *add.* ς 10 seruari **HV**[c] *Seuerianus* -are **PET** **93** 2 ualeant inquit ualeant ciues mei **PET** ualeant inquit ciues mei ualeant **V**[c] ualeant ualeant inquit ciues mei ualeant **H**

publica mei ciues, quoniam mihi cum illis non licet, sine me ipsi, sed 5
propter me tamen perfruantur. ego cedam atque abibo. si mihi bona re
publica frui non licuerit, at carebo mala, et quam primam tetigero bene
moratam et liberam ciuitatem, in ea conquiescam.

"O frustra," inquit, "mei suscepti labores, o spes fallaces, o cogitationes **94**
inanes meae! ego cum tribunus plebis re publica oppressa me senatui
dedissem quem exstinctum acceperam, equitibus Romanis quorum
uires erant debiles, bonis uiris qui omnem auctoritatem Clodianis armis
abiecerant, mihi umquam bonorum praesidium defuturum putarem? 5
ego cum te" – mecum enim saepissime loquitur – "patriae reddidissem,
mihi putarem in patria non futurum locum? ubi nunc senatus [est] quem
secuti sumus, ubi equites Romani illi, illi," inquit, "tui? ubi studia municipiorum, ubi Italiae uoces, ubi denique tua, M. Tulli, quae plurimis fuit
auxilio, uox atque defensio? mihine ea soli qui pro te totiens morti me 10
obtuli nihil potest opitulari?"

Nec uero haec, iudices, ut ego nunc, flens, sed hoc eodem loquitur **95**
uultu quo uidetis. negat enim se, negat ingratis ciuibus fecisse quae
fecerit, timidis et omnia pericula circumspicientibus non negat. plebem
et infimam multitudinem, quae P. Clodio duce fortunis uestris imminebat, eam quo tutior esset uestra uita se fecisse commemorat ut non modo 5
uirtute flecteret sed etiam tribus suis patrimoniis deleniret, nec timet ne,
cum plebem muneribus placarit, uos non conciliarit meritis in rem publicam singularibus. senatus erga se beneuolentiam temporibus his ipsis
saepe esse perspectam, uestras uero et uestrorum ordinum occursationes,
studia, sermones, quemcumque cursum fortuna dederit, secum se ablatu- 10
rum esse dicit. meminit etiam uocem sibi praeconis modo defuisse, quam **96**
minime desiderarit, populi uero cunctis suffragiis, quod unum cupierit,
se consulem declaratum; nunc denique, si haec arma contra se sint futura,
sibi facinoris suspicionem, non facti crimen obstare. addit haec, quae certe
uera sunt, fortes et sapientes uiros non tam praemia sequi solere recte fac- 5
torum quam ipsa recte facta; se nihil in uita nisi praeclarissime fecisse, si
quidem nihil sit praestabilius uiro quam periculis patriam liberare. beatos **97**
esse quibus ea res honori fuerit a suis ciuibus, nec tamen eos miseros qui
beneficio ciues suos uicerint. sed tamen ex omnibus praemiis uirtutis, si
esset habenda ratio praemiorum, amplissimum esse praemium gloriam;

7 primam *Ernesti* primum **PHET** **94** 1 o cogitationes **ET** et cogitationes **P** cogitationes **H** 7 est *seclusi* **95** 5 se **ET** *Asc.* suam se **H** 10 fortuna dederit **ET** fortunae ceperit **H**(V[c] ?) **96** 3 arma *om.* **T**, *secl.* Berry

5 esse hanc unam quae breuitatem uitae posteritatis memoria consolaretur, quae efficeret ut absentes adessemus, mortui uiueremus; hanc denique esse cuius gradibus etiam in caelum homines uiderentur ascendere.

98 "De me," inquit, "semper populus Romanus, semper omnes gentes loquentur, nulla umquam obmutescet uetustas. quin hoc tempore ipso, cum omnes a meis inimicis faces inuidiae meae subiciantur, tamen omni in hominum coetu gratiis agendis et gratulationibus habendis et omni 5 sermone celebramur. omitto Etruriae festos et actos et institutos dies. centesima lux est haec ab interitu P. Clodi et, opinor, altera. qua fines imperi populi Romani sunt, ea non solum fama iam de illo sed etiam laetitia peragrauit. quam ob rem ubi corpus hoc sit non," inquit, "laboro, quoniam omnibus in terris et iam uersatur et semper habitabit nominis mei gloria."

99 Haec tu mecum saepe his absentibus, sed isdem audientibus haec ego tecum, Milo: "te quidem, cum isto animo es, satis laudare non possum, sed, quo est ista magis diuina uirtus, eo maiore a te dolore diuellor. nec uero, si mihi eriperis, reliqua est illa saltem ad consolandum querela ut 5 iis irasci possim a quibus tantum uulnus accepero. non enim inimici mei te mihi eripient, sed amicissimi, non male aliquando de me meriti, sed semper optime." nullum mihi umquam, iudices, tantum dolorem inuretis – tametsi quis potest esse tantus? – sed ne hunc quidem ipsum ut obliuiscar quanti me semper feceritis. quae si uos cepit obliuio aut si in me 10 aliquid offendistis, cur non id meo capite potius luitur quam Milonis? praeclare enim uixero, si quid mihi acciderit priusquam hoc tantum mali **100** uidero. nunc me una consolatio sustentat, quod tibi, T. Anni, nullum a me amoris, nullum studi, nullum pietatis officium defuit. ego inimicitias potentium pro te appetiui; ego meum saepe corpus et uitam obieci armis inimicorum tuorum; ego me plurimis pro te supplicem abieci; bona, for- 5 tunas meas ac liberorum meorum in communionem tuorum temporum contuli; hoc denique ipso die, si qua uis est parata, si qua dimicatio capitis futura, deposco. quid iam restat? quid habeo quod faciam pro tuis in me meritis nisi ut eam fortunam quaecumque erit tua ducam meam? non abnuo, non recuso, uosque obsecro, iudices, ut uestra beneficia quae in 10 me contulistis aut in huius salute augeatis aut in eiusdem exitio occasura esse uideatis.

101 His lacrimis non commouetur Milo – est quodam incredibili robore animi – exilium ibi esse putat ubi uirtuti non sit locus; mortem naturae

98 9 semper **ET** semper hic **HV**[c] **99** 2 es **ET** sis **H** 3 ista **HV**[c] illa **ET**
101 1 commouetur **CH** mouetur **ET**

finem esse, non poenam. sit hic ea mente qua natus est: quid? uos, iudices, quo tandem eritis animo? memoriam Milonis retinebitis, ipsum eicietis? et erit dignior locus ullus in terris qui hanc uirtutem excipiat quam hic 5 qui procreauit? uos, uos appello, fortissimi uiri, qui multum pro re publica sanguinem effudistis; uos, inquam, in ciuis inuicti periculo appello, centuriones, uosque, milites: uobis non modo inspectantibus sed etiam armatis et huic iudicio praesidentibus haec tanta uirtus ex hac urbe expelletur, exterminabitur, proicietur? o me miserum, o me infelicem! **102** reuocare tu me in patriam, Milo, potuisti per hos, ego te in patria per eosdem retinere non potero? quid respondebo liberis meis qui te parentem alterum putant? quid tibi, Quinte frater, qui nunc abes, consorti mecum temporum illorum? mene non potuisse Milonis salutem tueri per eosdem 5 per quos nostram ille seruasset? at in qua causa non potuisse? quae est grata <omnibus> gentibus. a quibus non potuisse? ab iis qui maxime P. Clodi morte acquierunt. quo deprecante? me.

Quodnam ego concepi tantum scelus aut quod in me tantum facinus **103** admisi, iudices, cum illa indicia communis exiti indagaui, patefeci, protuli, exstinxi? omnes mihi meisque redundant ex fonte illo dolores. quid me reducem esse uoluistis? an ut inspectante me expellerentur ii per quos essem restitutus? nolite, obsecro uos, acerbiorem mihi pati reditum esse 5 quam fuerit ille ipse discessus. nam qui possum putare me restitutum, si distrahor ab his per quos restitutus sum?

Vtinam di immortales fecissent – pace tua, patria, dixerim: metuo enim ne scelerate dicam in te quod pro Milone dicam pie – utinam P. Clodius non modo uiueret sed etiam praetor, consul, dictator esset potius quam 10 hoc spectaculum uiderem! o di immortales! fortem et a uobis, iudices, **104** conseruandum uirum! "minime, minime," inquit, "immo uero poenas ille debitas luerit: nos subeamus, si ita necesse est, non debitas." hicine uir patriae natus usquam nisi in patria morietur, aut, si forte, pro patria? huius uos animi monumenta retinebitis, corporis in Italia nullum sepul- 5 crum esse patiemini? hunc sua quisquam sententia ex hac urbe expellet quem omnes urbes expulsum a uobis ad se uocabunt? o terram illam **105** beatam quae hunc uirum exceperit, hanc ingratam si eiecerit, miseram si amiserit!

4 eritis animo **HB** animo eritis **ET** 7 inquam in *Clark* inquam et **H** unquam et **B** inuiri et in **ET** **102** 7 grata <omnibus> gentibus *Garatoni* grata gentibus **ET** grā (*i.e.* gratia) ingentibus **H** **103** 4 ii **T** hii **H** hi **E** 7 distrahor **HB** -ar **ETW** **105** 1 illam beatam *om.* **HB**

Sed finis sit; neque enim prae lacrimis iam loqui possum, et hic se lac-
5 rimis defendi uetat. uos oro obtestorque, iudices, ut in sententiis ferendis, quod sentietis, id audeatis. uestram uirtutem, iustitiam, fidem, mihi credite, is maxime comprobabit qui in iudicibus legendis optimum et sapientissimum et fortissimum quemque delegit.

105 4 possum **ET** *Quint.* possumus **CH** 6 quod sentietis **ET** quod (quos **H**) sentitis **HV**[c] quod sententiis **B** quod sentiatis *Schol. Bob.* 7 comprobabit *Clark* comprobauit **CH** probabit **ET** 8 delegit **C** elegit **HT** legit **E**

COMMENTARY

EXORDIVM (§§1–6)

The *exordium* of any speech has three tasks: to render the audience well disposed, attentive, and ready to receive instruction (*beneuolum, attentum, docilem, Inv.* 20; Quint. *Inst.* 4.1.5; Lausberg §§266–88). In the published version of this speech, C. may also have an interest in justifying the failure of the speech that he actually delivered.

This *exordium* manages to be brief and to avoid speaking in generalities; in accordance with the prescription at *De orat.* 2.315, C. paints a vivid picture while laying out the issues at hand. He focuses on several themes. First he addresses the notion of fear, both his own and that of the jurors, occasioned in large part by the unusual circumstances of the trial. While acknowledging that this fear is real, he attempts to recast the situation in a positive light: Milo is not afraid, Milo is virtuous, and therefore C. and the audience should be courageous as well. (Even if C.'s fear is feigned, the pretense allows him to win the jurors' good will by showing that he shares their worries.) He also works to dispel possible prejudices, a topic he will develop throughout the speech (esp. §§7–22); Pompey's soldiers, for example, are not a menace but a protection. Milo is introduced as a *fortissimus uir*, while Clodius is obliquely referred to with *P. Clodi furor*; these characterizations will be emphasized and amplified throughout the *exordium* and the speech as a whole. The political dimensions of the case come immediately to the fore, as Milo is presented as a champion of the "*boni*," i.e. loyal and patriotic Romans in general and the *optimates* in particular, and Clodius as the head of the *improbi*, i.e. worst of the *populares* (cf. §5n. *pro bonis contra improbos*). Indeed, the threat to Milo's *salus* in this trial is cast as a threat to the *salus* of the *res publica* itself – always an effective tactic (*Rhet. Her.* 1.7, Quint. *Inst.* 4.1.33), and one often used by C. of himself in the *post reditum* speeches (see *Red. Sen.* 4 with Boll). The elephant in the court is Pompey, who was clearly hostile to Milo's case. Here, however, C. refers to him in glowing terms and immediately tries to co-opt him to his own side. At the end of this section C. briefly sketches his argument, avoiding technical terms but expounding his theory of the case: he will prove that Clodius set an ambush for Milo and that Milo acted in justified self-defense.

1 Etsi uereor ... ne turpe sit ... timere "even if I fear, members of the jury, that it is a shameful thing for someone beginning a speech on behalf of a most gallant man to be afraid." The backbone of the sentence is *etsi uereor*

... *ne turpe sit* ... *tamen haec* ... *noua forma terret oculos.* In the first two words of the speech and in the first sentence as a whole C. admits to his own fear (even playing verbal games: *uereor* ... *timere*; cf. §2n. *ne non timere quidem sine aliquo timore possimus*). This emphasis on fear is perhaps an implicit nod to his failure in the speech as delivered as well as an attempt to show that he identifies with what the jurors may feel. Mention of an orator's nerves is a commonplace (e.g. *De orat.* 1.119–25, Loutsch 1994: 95–100), and C. insists on his fear elsewhere (cf. e.g. *Clu.* 51 *semper equidem magno cum metu incipio dicere*), but this goes beyond stage(d) fright (Loutsch 1994: 510–12). The theme is hammered home by repetition: §1 *uereor, timere, perturbetur, terret*, §2 *terroris, timere, timore*; having acknowledged this fear C. will try to reject it from §2 onwards. A modern reader might perceive a "false ending" after *dicere*, but when delivered aloud *dicere* would elide seamlessly into *incipientem* and lead into a ditrochaic clausula in *incipientēm tĭmērĕ* (the ~ indicates *breuis in longo* in the last element: see Introduction p. 35), with rhythm firmly punctuating the sense (see also Quint. *Inst.* 9.4.93). For the rhythm of the opening words of the speech, see Quint. *Inst.* 9.4.74 (*ētsī uĕrĕ|ōr, iūdĭcēs* can be scanned as the second half of a senarius); Quintilian also discusses in detail the delivery of the entire first sentence (*Inst.* 11.3.47–51). **iudices:** throughout the *exordium* C. speaks directly to the jurors, who are always referred to as *iudices* (C.'s invariable practice, 623x in the extant speeches: Dickey 2002: 293). In Latin the vocative is seldom placed first in a sentence (H–S 399), but rather articulates the division of a period into cola; here a new colon begins with *ne* and some emphasis is added to *uereor*: on the positioning of the Latin vocative and its effects, see Fraenkel 1965: 50–69, Habinek 1985: 135–6, 142–4. For the unique jury selection process in this trial, see Introduction p. 13; on its composition cf. §4n. *amplissimorum ordinum delectis uiris.* **pro fortissimo uiro** "on behalf of a most gallant man." *fortis* means more than just "strong" or "brave"; it carries moral connotations (Non. p. 741 L *bonus et fortis* ... *dici potest*; cf. §4 *bonis et fortibus uiris* and *TLL* II.2080.24–8). The contrast between Milo's steadfast virtue and C.'s fear is an important part of the defense strategy and will be repeated in the *peroratio* (e.g. §94, with fear replaced by tears; cf. Dyck 1998: 240). *uir fortis* is a particularly laudatory fixed phrase found as early as the epitaph of Lucius Cornelius Scipio Barbatus (cos. 298 BC, *CIL* VI.1285 = *ILS* 1); it occurs hundreds of times in C., and in this speech will be used repeatedly in reference to Milo. C. thus takes steps from the start to characterize Milo as virtuous. **T. Annius ipse** "Titus Annius himself," *ipse* strongly contrasting the bravery of Milo with the weakness of C. (a contrast reinforced by *T. Annius ipse* and *me* both beginning their respective cola). Milo is here referred to by praenomen and nomen, a formal style that C. often uses to introduce his defendants (and to mention

Milo in other speeches: *Red. Sen.* 19, 30, *Red. Pop.* 15, *Sest.* 87, *Vat.* 41, *Har.* 6). Later in this speech, as is typical of C.'s practice in referring to his clients, Milo will generally be named by cognomen alone, implying C.'s solidarity with his client (*Milo* more than 100x vs. *T. Annius* 6x; never *T. Milo*, a form of address used especially for social superiors); see Adams 1978: 147, 155, Shackleton Bailey 1992: 3–5. The cognomen *Milo* may be inherited from Milo's maternal grandfather and adoptive father, T. Annius (Asc. 53C, Shackleton Bailey 1992: 15), or it may have been coined for Milo himself and retained in lieu of *Papianus* after his adoption (Milo's biological father was a Papius: Asc. 53C). If the latter, the cognomen could be connected with the physical strength of the famous Greek wrestler from Croton (cf. *Att.* 6.4.3). On Milo's family background see Introduction p. 4. **magis de rei publicae salute quam de sua:** *salus* here is used both of the "well-being of the state" (*OLD* s.v. 5) and of "personal well-being" (*OLD* s.v. 1); the mild syllepsis draws rhetorical attention to the point and again underscores Milo's virtue. Throughout this speech, the *salus* of Milo, C., and the *res publica* are deliberately blended and depicted as interdependent (cf. introductory note above); the theme and the word *salus* occur repeatedly: cf. §§3, 5, 6, 10, 12, 19, 35, 38, 39, 40, 63, 68, 81, 87, 100, 102. **haec noui iudici noua forma** "this new form of a new court procedure"; the polyptoton of *nouus* emphasizes the novelty of the trial held under Pompey's special laws (on which see Introduction p. 13). Pliny, describing one of his own law-court dramas, echoes the phrase (*Ep.* 2.11.11): *tunc me tamen ut noua omnia nouo metu permouebant.* For the genitive in *-i* (i.e. not *iudicii*), see §3n. *huius exitum iudici.* **quocumque inciderunt** "wherever they fall." The perfect is regular in a clause subordinated to a generalized clause in the present (*NLS* §217.1); cf. e.g. *De orat.* 2.24 *me ... cum huc ueni* ["whenever I come here"], *hoc ipsum nihil agere ... delectat.* For the phrase, cf. *Scaur.* 46 *quocumque non modo mens uerum etiam oculi inciderunt,* Plin. *Ep.* 5.6.13. **ueterem consuetudinem fori ... pristinum morem iudiciorum:** a classic Ciceronian doublet, allowing C. to linger on and emphasize this idea with some *uariatio* while also adding nuance (mentioning both the Forum and trials) that a single phrase alone could not have contained. **non enim ... non ... non:** a series of negatives in anaphoric asyndeton underscore how unusual this trial is by comparison to the normal circumstances. **non enim corona consessus uester cinctus est** "it's not a circle of spectators that surrounds your judicial session." C. is thus denied his usual audience, which was so important to him (cf. e.g. *Brut.* 52, 290), because of the soldiers stationed around the court and the Forum. While there is a sizable audience in attendance, they are forced to look on from wherever they can find a vantage point (see §3n. *unde aliqua pars fori aspici potest,* Asc. 41–2C). A *corona* (*OLD* s.v. 4a) is the typical

audience at a Roman trial, and *consessus* is a technical term for a judicial session (< *consido*, since the jurors sat [together] to hear a case; cf. Engl. "sitting" of a court); see *TLL* IV.424.64–70. *cingere* is regularly used with *corona*, e.g. Liv. 7.27.7 *coronā militum cincta ... urbs*. Lucan clearly evokes the scene (1.319–23): *quis castra timenti | nescit mixta foro, gladii cum triste micantes | iudicium insolita trepidum cinxere corona | atque auso medias perrumpere milite leges | Pompeiana reum clauserunt signa Milonem?*, and the proceedings seem to have become a notorious *exemplum* (Suet. *Jul.* 30.1). **non usitata frequentia stipati sumus** "it's not the usual crowd [*OLD* s.v. *frequentia* 3b] that we're surrounded by [*OLD* s.v. *stipo* 2b]." By placing *non* with *usitata frequentia* here, C. shifts the emphasis from "not being surrounded" to "being surrounded, but not by the usual crowd"; i.e., there are plenty of soldiers to be seen. He achieves some *uariatio* here by implicitly contrasting himself with *consessus uester*, but the first-person plural conveniently allows him both to refer to himself and his client and to include the jurors. *frequentia* is a Ciceronian favorite (61x, out of 196x total in PHI). *stipo* is very common in the perfect participle with an ablative.

2 **non illa praesidia ... non afferunt ... oratori terroris aliquid** "nor do those guards ... fail to bring the orator a certain measure of fear," a statement that may be true enough, although the guards were installed at the request of the defense team (Asc. 40C; so too *Att.* 9.7b.2, *Fam.* 3.10.10); for the language, cf. §71 *se non terrorem inferre uobis ... sed praesidio esse*. The anaphoric parallelism to complete the tricolon begun with *non enim corona* is achieved at the cost of a strained litotes in which C. continues to downplay his fear (*terroris aliquid*; cf. Quint. *Inst.* 8.3.5 *ferrum affert oculis terroris aliquid*). *non ... non* ≈ *nec ... non* (= an affirmative) is very unusual: Clark compares *Planc.* 41 and *Fin.* 4.13, but these both feature the rather different structure *non enim si ... idcirco ... non*. Nevertheless *non* should probably be retained: *nec* would disrupt the anaphora. **pro templis omnibus:** the trial was held somewhere in the Forum near the Temple of Saturn, which housed the state treasury; Pompey himself sat *pro aerario* (Asc. 41C, *NTDAR* 343–4, *LTUR* IV.234–6). The precise location of the trial cannot be certain, but for plausible conjecture see §67n. *te enim appello*. The Forum was the typical site for Roman trials, which were conducted in the open air and supposed to be public; see Millar 1998: 42–3, 136–7, 181–4, Lintott 2004: 63–4. On this occasion the setting was particularly dramatic: the damaged Curia Hostilia, burned along with the Basilica Porcia when an angry mob cremated Clodius' body inside the Senate House, was clearly visible and stood less than 100 yards (91 m) away, forming the backdrop to the orators as they spoke. **praesidiis:** the opening of the speech is notably repetitious: §1 *afferre* ~ §2 *afferunt*, §2

praesidia ~ *praesidiis*; §1 *etsi* ~ §2 *etsi*, §1 *salute* ~ §2 *salutaribus*, §1 *fori* ~ §2 *foro*, and of course all the various words for fear. And yet there is also an attempt to secure *uariatio*: §1 *cinctus est, stipati sumus*, §2 *saepti sumus*; §1 *ueterem, pristinum*; §1 *etsi* ... §2 *etsi*, §2 *quamquam*. **ne non timere quidem sine aliquo timore possimus** "we can't even not be afraid without some measure of fear." The *figura etymologica* and sound-play of *timere* ~ *timore* lend point to the paradox, the culmination of C.'s grappling with how to acknowledge but minimize his fear. *ne* ... *quidem* "not even" encloses what it modifies; here *non timere* is itself a unit. *sine aliquo* is almost invariably used instead of *sine ullo* after a negative (*OLD* s.v. *aliqui* 1c; *TLL* I.1613.12–21). **quae si opposita Miloni putarem** "if I thought these measures were set in opposition to Milo." *quae* here refers not only to *praesidia* but to everything that C. has just described. The fronting of the relative pronoun, closely connecting a sentence to the one preceding it, is standard (A–G §308f, K–S II.319); cf. e.g. §3 *clamor si qui forte fuerit*, §12 *quae quidem si potentia est appellanda*, §20 *ex quibus si me non*, §21 *ex quibus ille cum*, §58 *quos nisi*. **cederem tempori** "I would bow to necessity"; cf. *Fam.* 4.9.2 *tempori cedere, id est necessitati parere, semper sapientis est habitum.* The phrase occurs frequently in C. (*TLL* III.728.1–4); cf. e.g. *Catil.* 1.22 *ut temporibus rei publicae cedas non est postulandum.* **nec enim** "for ... not" or "nor indeed." This combination, extremely common in C. (*nec/neque enim* ca. 440x), is not adequately treated by the lexica or grammars (very briefly *OLD* s.v. *neque* 9a; cf. K–S II.43, H–S 451). In some cases *enim* has its full force as "for," while in others the connective value of *nec* predominates, with *enim* in its original asseverative sense ("indeed"). The former meaning seems more probable here as an explanation of why C. would yield, but the two senses cannot be fully disentangled. The absence of *enim* in ET is to be explained as the loss of an abbreviation for *enim* (e.g. ·*n*·) before following *inter*; it is much less likely that it would occur to a scribe to add the word where it is not necessary for the sense. **inter tantam uim armorum** "amid such a vast supply of weaponry" (*OLD* s.v. *uis* 8 "a large body or number ... often implying potential for violence"). **existimarem esse orationi locum:** *existimarem* varies the foregoing *putarem*. *locus* + dative = "place for" (*OLD* s.v. 14; better *TLL* VII.2.1595.84–1596.4). For the thought, cf. §11n. *silent enim leges inter arma.* Elsewhere C. can claim that arms should yield to speech; cf. the infamous fragment from his poem *De consulatu suo* (fr. 6 Soubiran = 12 Courtney): *cedant arma togae, concedat laurea laudi* (or the variant *linguae*). **sed me recreat et reficit Cn. Pompei, sapientissimi et iustissimi uiri, consilium:** the word order, with the subject postponed to the end of the clause, draws attention to Pompey's *consilium*. *recreat et reficit* is an alliterative Ciceronian doublet, again allowing C. to linger on the idea. He

had used almost the same formula in an *exordium* just two years earlier (*Planc.* 2): *nunc autem uester, iudices, conspectus et consessus iste* <u>*reficit et recreat*</u> *mentem meam, cum intueor et contemplor unum quemque uestrum.* Referring to Pompey by praenomen and nomen is a mark of respect and is frequent, though not invariable, in this speech (*Cn. Pomp.* 13x, *Pomp.* 8x). The cognomen *Magnus* is found only once, in direct address (§68); C. in general seems to have avoided this self-aggrandizing cognomen of recent vintage (Adams 1978: 160–1). The superlative adjectives are the height of flattery. Latin prefers not to attach adjectives directly to personal names, but rather to place them in agreement with *uir* or *homo* in apposition to the name (*Pompeius sapientissimus* would mean something like "the wisest person named Pompey"). *iustissimi* is guaranteed over the variant *illustrissimi* not only because of superior sense, but also because of the following *iustitiae*; cf. §23 *iuste sapienterque.* **qui profecto nec iustitiae suae putaret esse** "who doubtless neither would have thought it consonant with his sense of justice" etc. *iustitiae* here and *sapientiae* (genitives of characteristic) in the following pick up *sapientissimi et iustissimi* in chiastic arrangement, binding together flattery with rhetorical logic to lead to C.'s desired conclusion. *prŏfecto* is an adverb (< *pro* + *facto*), perhaps with a slightly colloquial feel; it is a particular affectation of C.'s (more than 370x; cf. §§4, 21, 31, 61, 68, 69, 84), but rare in epic poetry and altogether absent from e.g. Caesar and Pliny the Younger. *putaret* is potential subjunctive, with the imperfect signaling that the occasion has passed and the event can no longer take place (*NLS* §121). **quem reum sententiis iudicum tradidisset, eundem telis militum dedere:** precisely parallel structure throws into sharp relief the contrast between handing Milo over to the judgment of a legally constituted jury and surrendering him to the hostile weapons of soldiers (*dedo* is a technical term for military surrender: *TLL* v.1.266.71–267.71). On the ordering of clauses, cf. §13n. *cuius ... de eius.* Here *tradidisset* is subjunctive in a subordinate clause in indirect speech introduced by *putaret.* **temeritatem concitatae multitudinis** "the recklessness of the stirred-up mob." *multitudo* here is pejorative in sense (*OLD* s.v. 5b, so too e.g. §§22, 90, 95; cf. more neutrally §3 *reliqua uero multitudo*); reckless crowds angry at Clodius' death had already rioted and set fire to the Curia, and tumultuous *contiones* then became an almost daily affair (see Introduction pp. 10–12). *temeritas* is the typical Ciceronian word used to describe the foolhardiness of such crowds (e.g. *Flac.* 57 *recordemini quae sit temeritas multitudinis ... quid in contione seditiosa ualeat oratio*), to which the mature C. painted himself in opposition (*Phil.* 7.4 *me quidem semper ... aduersarium multitudinis temeritati*). *concito* is often used of stirring the crowd's emotions (*OLD* s.v. 5); cf. e.g. *Sest.* 140 *at uero ii ... qui instituta maiorum neglexerunt et* <u>*imperitae aut concitatae multitudini*</u> *iucundi esse*

uoluerunt, omnes fere rei publicae poenas aut praesenti morte aut turpi exilio dependerunt. **auctoritate publica armare:** a figurative usage that continues the military flavor of the preceding description (*OLD* s.v. *armo* 7), language perhaps influenced by the presence of the great general Pompey himself.

3 quam ob rem ... pollicentur: a neatly composed tricolon with each member taking the form "not (only) X but (also) Y." *Variatio* is achieved with *non ... sed, neque solum ... sed etiam,* and *nec ... modo ... uerum etiam,* while grammatical parallelism, alliteration, and assonance help bind together the parts of the individual members and thereby underscore the contrast, e.g. *non periculum ... sed praesidium.* **neque solum ut quieto, sed etiam ut magno animo simus hortantur** "encourage us not only to be calm, but also to be courageous." Ablatives of description, originally used of external characteristics, but extended especially to internal but not necessarily permanent qualities (*NLS* §83); cf. e.g. *Fam.* 10.29.1 *tu fac bono animo magnoque sis. quietus animus* is a common collocation going back to Plautus (*Cas.* 381 *habe quietum animum modo*), while *magnus animus* appears first and frequently in C. (cf. e.g. *Mur.* 43 *magno et forti animo, Tusc.* 3.15 *necesse est, qui fortis sit, eundem esse magni animi*) and Caesar (*Gal.* 7.10). **nec auxilium modo ... uerum etiam silentium:** *silentium* seems anticlimactic in this series: *praesidium* is much better than *periculum, magno animo* is better than *quieto animo,* but *silentium* appears rather weaker than *auxilium.* (Unless one understands *auxilium* narrowly and supposes that it is better when the soldiers keep the crowd quiet [*silentium*] than when they merely help the orator shout over the noise [*auxilium*].) Perhaps the surprising ending was an extempore improvisation on C.'s part; he may have been expecting roars of approval, which were prevented by the assembled soldiers (cf. Gotoff 1993: 304–5 on the perhaps unexpected *silentium* at *Catil.* 1.20, and Dyck ad loc.). In a post-delivery version *silentium* could also stand as a rebuke to Pompey and a reminder of what actually happened in the trial. Textual surgery is another possible remedy: Klotz doubtfully suggested transposing *auxilium* and *silentium.* **quae quidem est ciuium** "that part at any rate that is composed of citizens" (*OLD* s.v. *quidem* 1; cf. Solodow 1978: 108–9). C. implicitly acknowledges that part of the crowd is hostile to his cause, but he damns them in the same breath as non-citizens, i.e. slaves and foreigners and therefore irrelevant to an assessment of Roman opinion (cf. §§26, 36; the rhetoric may be common: cf. e.g. Val. Max. 6.2.3, Vell. 2.4.4). The contrast will be continued in the description of Clodius' supporters in the next sentence. For a similar attempt at building consensus by excluding unwelcome members of the audience, cf. *Sest.* 106 *in eo statu ciuitas est ut, si operas*

conductorum remoueris, omnes idem de re publica sensuri esse uideantur. **tota nostra est** "is entirely on our side" (*OLD* s.v. *totus* 4). **nec ... quisquam:** in general Latin strongly prefers this to *et nemo.* Here C. is seeking additional emphasis, since the main verb will itself be negated by *non.* **undique intuentes** "looking on intently from all sides" (cf. Char. p. 388.24 Barwick *uidemus natura, spectamus uoluntate, intuemur cura, aspicimus ex improuiso, animaduertimus et cernimus animo*). The focus on vision continues in the rest of the sentence. **unde aliqua pars fori aspici potest** "wherever any part of the Forum can be glimpsed." The crowd cannot assemble in the customary *corona* because of the soldiers, but wherever a gap in the surrounding soldiers allows for a glimpse of the Forum beyond, people have gathered to hear the trial. On the force of *aspicio,* see the quotation from Charisius in the previous note. **huius exitum iudici exspectantes uidetis** "(whom) you see awaiting the outcome of this trial." Still more verbs of vision, although the etymological sense of *specto* in *exspecto* may no longer be strongly felt (*TLL* v.2.1887.37–40, 1888.10–45). The genitive *iudicī* (< *iudiciī*) was the standard form already by the time of Plautus. Genitives in *-iī,* an analogical (re)creation, are first metrically guaranteed in adjectives in Lucretius (e.g. 1.832 *patrii sermonis*) and then are the regular form in verse; in nouns they do not appear until Propertius and Vergil (e.g. *Aen.* 3.702 *fluuii*), and the form in *-i* seems to hang on more tenaciously (though eventually *-ii* prevails everywhere). Thus in modern editions of C., it is conventional to print the genitive of *-ius/-ium* nouns as *-i,* that of adjectives as *-ii,* but other factors should be taken into account when possible (cf. §43n. *aut certe necessari*). For the inscriptional and manuscript evidence, such as it is, see N–W I.134–54 (nouns), II.44–5 (adjectives); on the development of these forms, see Leumann 424–5, Weiss 223. **cum ... tum** "not only ... but more importantly" (*OLD* s.v. *tum* 14); *cum ... tum* introduce coordinate clauses, but here, as usual, the one introduced by *tum* is the more noteworthy. **uirtuti Milonis:** another valorizing description of Milo. **de se ... de fortunis:** the members of this anaphoric and asyndetic series proceed from specific and self-interested to more general. The trial of Milo concerns the very survival of the Republic, a theme well known to stir the jurors' emotions (*Rhet. Her.* 1.7, Quint. *Inst.* 4.1.33). *de fortunis* = "about their fate/good fortune" (*OLD* s.v. *fortuna* 8–9); i.e. the shared fate of the Republic, plural perhaps because each juror, strictly speaking, has his own individual fate. Cf. e.g. *Catil.* 4.18 *de uestra uita, de coniugum uestrarum atque liberorum anima, de fortunis omnium, de sedibus, de focis uestris hodierno die uobis iudicandum est, Flac.* 94 *de salute omnium nostrum, de fortunis ciuitatis, de summa re publica, Sest.* 1 *de capite, de fama, de ciuitate, de fortunis, de liberis dimicantes.* **hodierno die:** more forceful than *hodie,* found 28x in C.'s

speeches, never in his other works. The order *hodierno die* is invariable. Similarly *hesterno die*, although not *crastino die*; see further Oakley ad Liv. 7.35.5. **decertari** "the contest concerns"; impersonal passive. The prefix *de-* both emphasizes that this is a "fight to the finish" (*OLD* s.v. *decerto* 1) and points up the end of a period featuring emphatically repeated *de* (for the repeated preposition, which is unusual, cf. §10n. *si in uim et in tela*). **aduersum infestumque:** a Ciceronian doublet, with *infestus* strengthening *aduersus*; cf. Sen. *Nat.* 3 pr. 13 *luxuriae non aduersus tantum, sed infestus.* C. is fond of similar pairings; cf. e.g. the alliterative *Quinct.* 10 *inimica atque infesta*, where again the second member is more forceful. **eorum** "consisting of those." Genitive of definition with *genus* (*NLS* §72.1.5, K–S 1.419); cf. *ciuium* just above and *Catil.* 2.18 *unum genus est eorum qui* etc. **P. Clodi furor:** the first mention of Clodius in the speech, and a clear contrast with the *uirtuti Milonis* in the preceding sentence. *furor* is one of C.'s favorite words of character assassination, occurring *ca.* 180x in his extant corpus; it has a strong political valence. Used of all his enemies, from Catiline (e.g. *Catil.* 1.1 *quam diu etiam furor iste tuus nos eludet?*) to Antony (9x in the *Philippics*), it is an almost constant description of Clodius: cf. e.g. §27 *in qua eius* [= *Clodi*] *furor desideratus est*, §77, *Dom.* 103, 123, *Sest.* 36; *Q. fr.* 2.1.3, *Leg.* 3.22. See further Achard 1981: 239–47, Taldone 1993: 8–16. C. takes steps from the first to eliminate any sympathy his audience might feel for a murder victim: Dyck 1998: 223. **rapinis et incendiis et omnibus exitiis publicis pauit** "fed with plunder and arson and every sort of destruction for the commonwealth." A rising tricolon with repeated *et*; *pauit* < *pasco* (not *paueo*) is a word properly used of feeding animals (*OLD* s.v. 1) and so carries a depreciating connotation here and perhaps even a hint at *popularis* grain doles – distributions which Clodius as tribune in 58 had made free (cf. §87n. *uexarat in tribunatu senatum*). **hesterna etiam contione:** pointed up by the preceding *hodierno die*. A *contio* (< *couentio* = *conuentio*) was a public meeting, usually in the Forum, convened by a magistrate and featuring discussion and speech-making on topical issues. The audience at a *contio* could not vote or enact anything by law. *contiones* were held in particular in conjunction with voting assemblies and, as here, trials. In this latter capacity speeches and debates were often heated and sometimes led to violence. The rhetoric employed in such assemblies featured a strong *popularis* element (see Morstein-Marx 2004: 204–40). Although the audience at a *contio* was necessarily only a small fraction of the Roman people, it nevertheless wielded an outsized influence as supposedly representing their will. For an introduction to *contiones*, see Taylor 1966: 15–33; their importance in late Republican politics has recently been the subject of extensive scholarly discussion (cf. e.g. Morstein-Marx 2004 and Tan 2008). The run-up

to Milo's trial featured a number of *contiones*; see Morstein-Marx 2004: 1–5, Tan 2008: 195–6, 199. The purpose of this one, held by T. Munatius Plancus (on whom see §12n. *huius ambusti tribuni plebis*) immediately after the last witnesses had been heard on 7 April (cf. Asc. 40C, 42C, §98n. *centesima lux est ... et, opinor, altera*), was to influence the jurors to condemn Milo (cf. §71). **incitati sunt:** cf. §2n. *temeritatem concitatae multitudinis.* **ut uobis uoce praeirent quid iudicaretis** "to dictate to you the verdict you should reach." *praeeo* in this sense may derive from *prae* + *aio*, not *prae* + *eo* (*TLL* x.2.595.1–5). The word is primarily used of teaching someone a formula (especially religious) to be repeated (*OLD* s.v. 3), and so the *OLD*'s inclusion of our passage under heading 5 "to give guidance as to" probably misses the sense: the audience is to be scandalized that the Clodian mob is dictating in advance to an independently constituted Roman jury the outcome of an impartial legal process; cf. Asc. 45C for a similar usage. The alliteration and assonance of <u>*uo*</u>*bis* <u>*uo*</u>*ce* perhaps underscores the whole phrase; a pleonastic *uoce* ("aloud," *OLD* s.v. 2c) is not otherwise found with *praeire.* **quorum clamor si qui forte fuerit** "if there happens to be any shouting from them," an almost laughable line given the shouts with which the Clodians greeted C.'s speech (Asc. 41C; see Introduction p. 16); perhaps a pointed addition to the circulated speech, or at any rate delivered with deadpan humor. *quorum* is a connective relative (cf. §2n. *quae si opposita Miloni putarem*). The indefinite pronoun *qui* "any" is regular in second position after *si* and *ne* (*OLD* s.v. *qui*[1] 24–5). *forte* is frequent in conditionals (*OLD* s.v. 3). **ut eum ciuem retineatis** "that you continue to include [*OLD* s.v. *retineo* 9] as a citizen that man," with *ciuem* predicate. **genus illud hominum clamoresque** picks up on the description of the Clodians as *unum genus* in the previous sentence as well as the foregoing *clamor*; for the placement of *illud*, cf. §28n. *qui iter illud ad caedem faciendam apparasset.* **prae uestra salute** "in favor of your well-being"; evoking §1 *magis de rei publicae salute quam de sua* (for the language, cf. e.g. *Fam.* 14.4.2 *qui periculum fortunarum et capitis sui prae mea salute neglexit*). Milo's heroic self-sacrifice is again emphasized, highlighting that the issue concerns the jurors themselves, as Milo works for their well-being and the public good.

4 **adeste animis** "pay attention" (*OLD* s.v. *adsum* 19b); cf. *Sul.* 33 *adeste omnes animis ... erigite mentes auresque uestras et me ... dicentem attendite.* Capturing the audience's attention is one of the primary tasks of the *exordium.* There may be a subsidiary sense of "be of good courage"; cf. e.g. *Rep.* 6.14 Powell *ades ... animo et omitte timorem.* **iudices:** the direct address to the jury underscores the imperative to grab their attention. **timorem ... deponite:** C. returns one last time to the theme of fear, reassuring the

jurors. **si umquam:** anaphoric *si umquam* marks the members of an ascending tricolon, culminating in *si denique umquam*; on *denique* cf. §20n. *agri denique ipsi.* **de bonis et fortibus uiris ... de bene meritis ciuibus ... erga fortes et bonos ciues:** Milo is yet again characterized as noble and brave (cf. §§1 *fortissimo uiro,* 25, 64, 69, 89, 92), a man who has rendered signal service to the commonwealth. In the members of the tricolon there is a subtle movement from a *bonus et fortis uir* to a *bene meritus ciuis* to a *fortis et bonus ciuis* (the last item combining qualities from each of the first two); the repetition with slight variation underscores Milo's good qualities. **locus ... datus est** "an opportunity has been given" (*TLL* VII.2.1597.10–35, a usage not adequately treated by the *OLD*). *locus* in this sense is often followed by a gerund(ive); for the noun clause, cf. *Fin.* 4.62 *ut ... paulum loci mihi ut iis responderem dares.* **amplissimorum ordinum delectis uiris:** C. now turns to flattery of the jurors in order to render them well disposed; cf. *Mur.* 83 *delecti ex amplissimis ordinibus honestissimi atque sapientissimi uiri.* Each of these words is complimentary. *delecti* emphasizes that these are men hand-picked as attaining a high standard of excellence (*OLD* s.v. *delectus*), which may actually be true: cf. Asc. 38C *album quoque iudicum ... Pompeius tale proposuit ut numquam neque clariores uiros neque sanctiores propositos esse constaret* (cf. further §21 *delegit ex florentissimis ordinibus ipsa lumina,* §105 *fortissimum quemque delegit*). *amplissimus ordo* is usually an ingratiating way to say *senatus* (*OLD* s.v. *amplus* 8; 12x in C.'s speeches, but also e.g. at Liv. 4.26.9), but here it is plural and used more generally. In this trial only one third of the jury would have been senators, as the *lex Aurelia* of 70 BC divided juries evenly among *senatores, equites,* and *tribuni aerarii* (cf. *CAH* IX^2.225–6, 509, Lintott 2004: 74–5) – although Asconius' tally of the jury's final votes implies unequal distribution among these three orders (Asc. 53C: eighteen senators, seventeen *equites,* sixteen *tribuni aerarii*; see Introduction p. 16 n. 75). C. thus further flatters the non-senators by extending the description to them. *tribuni aerarii* represent a holdover category from earlier in the Republic, at which time they collected taxes for distribution to the army. By C.'s day the office was defunct, but the title remained; its members were men with the same census qualification as *equites,* and except in serving as jurors there seems to be no distinction between the two orders; see *OCD* s.v. with further references. **sua studia erga** "their support for" (*OLD* s.v. *studium* 5 "devotion to a person, party, cause, etc. [esp. in a political sense]"). The political undertones come to the fore here, with a strong contrast between Milo's "party," i.e. the better cause, and that of Clodius. *studium* is used in this sense in both the singular and the plural; it can be complemented by an objective genitive, by *in* + accusative, or, as here, by *erga* + accusative (cf. e.g. *Att.* 2.19.4 *Pompeius significat studium erga me*

non mediocre, *TLL* v.2.752.49–59). Cf. §21n. *studiosos mei.* **quae uultu et uerbis saepe significassent** "which they had in the past often intimated by their facial expressions [*OLD* s.v. *uultus* 1] and words"; the contrast is with the present moment, when they can take action in deed (*re*) by absolving Milo (*sententia* is the technical term for a juryman's vote: *OLD* s.v. 4b). Alliteration binds the sentence together and emphasizes the idea. Such contrasts are a commonplace, from *Quinct.* 7 *habet aduersarium ... uerbo Sex. Naeuium, re uera huiusce aetatis homines disertissimos* to *Phil.* 2.11 *consulatus uerbo meus, patres conscripti, re uester fuit.* For *uultu et uerbis*, cf. *Balb.* 58 *neminem umquam alterius rationis ac partis non re, non uerbo, non uultu denique offendit*, making clear the progression. For this sense of *significo* (*OLD* s.v. 4), cf. Cic. *Fam.* 5.13.2 *non significandum solum sed etiam declarandum arbitror*, Quint. *Inst.* 8. pr. 24 *pleraque significare melius putamus quam dicere* ("in many cases we think it better to drop a hint rather than say outright"); in this speech §26 *significauit hoc saepe in senatu.* For the collective singular *uultu*, cf. §73n. *uitae ciuium conseruatorem. significassent* is subjunctive by attraction to *declararent*; C. has a distinct preference for the syncopated forms of the first-conjugation pluperfect subjunctive in all persons and numbers (i.e. *significassent* not *significauissent*; cf. *Orat.* 157 *et plenum uerbum recte dici et imminutum usitate*). **profecto** "assuredly"; cf. §2n. *qui profecto nec iustitiae suae putaret esse.* **eam potestatem omnem uos habetis ut:** deliberately both picking up the earlier *potestas uobis iudicandi fuit* and varying the construction; *uos* is emphatic. *potestas* referring to the power of legal or judicial decision (*OLD* s.v. 5) is much more commonly found with a gerund(ive), as above, than with an *ut*-clause (with *ut* elsewhere only at *Dom.* 44 and in late Latin: *TLL* x.2.304.32–53). **qui semper ... dediti fuimus** "who have always been dedicated." The distinction between *fuimus* and *sumus* in such expressions is sometimes hard to see, but Adams 1994a: 73 seems right to suggest that *fu-* forms were favored in strong assertions (as here). Grammars claim that *fui* means that the action is over and done, e.g. *amatus fui* means "I have been loved (but I am loved no longer)," on the grounds that the participle is an adjective denoting a state (G–L §250, *NLS* §100, H–S 322; with greater nuance Pinkster 2015: 473–6), but C. of course implies no such thing here. *semper* alleviates any ambiguity; its repetition at the beginning of the following clause underscores the indignity by parallelism. Cf. §82n. *hoc animo semper fuimus omnes ... ut.* **a perditissimis ciuibus** "by the most morally bankrupt citizens." *perditus* is often used by C. of those he wishes to paint as enemies of the Republic (*OLD* s.v. 4, more helpfully *TLL* x.1.1275.70–1276.24; further Hellegouarc'h 1963: 532–4, Opelt 1965: 162, Achard 1981: 139, 198). Here the Republic is embodied by C. himself and Milo and the political interests they represent. To find *perditus* in

conjunction with *ciuis* might surprise, but the pairing is common in C. (cf. e.g. *S. Rosc.* 136, *Catil.* 1.23, *Sul.* 33). **aliquando** "at (long) last" (*OLD* s.v. 5; cf. §23 *ut aliquando ad causam crimenque ueniamus*, §85), contrasted with *diu.* **per uestram fidem uirtutem sapientiāmquĕ rĕcrēēmūr:** in a Latin list of three items of equal importance *A B C, A B Cque* is the most typical form (cf. e.g. §85 *lacus nemora finesque*); *A B C* and *A et B et C* are also common (Pinkster 1969: 266–7). The statement that *A B et/atque C* is not found in C. (Madvig ad *Fin.* 4.56) is subject to too many exceptions to be considered a rule (Pinkster 1969), but it remains valid as a general tendency. C.'s choice of *-que* is also bound up with avoiding a heroic clausula and making his ascending tricolon culminate in a resolved cretic-trochaic clausula with *recreemur* (a word used in §2 in connection with Pompey, now with the jurors [*OLD* s.v. 3]); on this rhythmic trick, cf. §23n. *ut aliquando ad causam crimenque ueniamus.*

5 **nobis duobus:** C. here associates himself with his client (cf. e.g. *Sest.* 2 with Kaster), lending his own *auctoritas* to his client's cause. In this speech this move has more justification than it sometimes does: C. and Milo really had been united since C.'s exile in their fight against Clodius (see Introduction pp. 4–5). *duobus* emphatically positioned between *nobis* and the vocative *iudices* immediately clarifies that C. is referring to himself and Milo united against their enemies, not to "us = C. + jurors." **laboriosius ... magis sollicitum, magis exercitum:** *laboriosius* = "more full of troubles" (*OLD* s.v. 3), not "more hard working." Similarly *magis exercitum* = "more harassed" (*OLD* s.v. 2). *magis* serves to vary the comparative construction. **dici aut fingi potest** "can be named or even imagined" (*OLD* s.v. *fingo* 8), a fixed phrase. Cf. *Flac.* 56 *quid hoc impudentius dici aut fingi potest?*, *Fin.* 1.41 *quid eo miserius dici aut fingi potest?* **spe amplissimorum praemiorum ... metu crudelissimorum suppliciorum:** the extreme parallelism and rhyme help point the contrast in meaning. **ad rem publicam** "to public service," in effect (*OLD* s.v. 1). **equidem** "I for my part" (*OLD* s.v. 1), emphasizing an implied *ego.* The word may in fact derive from *ego* + *quidem* (so e.g. Fest. p. 343 L and Leumann 461), although this etymology is subject to severe doubts (Solodow 1978: 19–20). Regardless, in C. (*ca.* 320x), Caesar (2x), Livy (39x), and Pliny the Younger (19x) it is used only with first-person verbs. **tempestates et procellas in illis dumtaxat fluctibus contionum** "the storms and squalls amid the waves of the *contiones* alone." *dumtaxat* limits the scope of the phrase (*OLD* s.v. 2); for the word's position, see *TLL* v.1.2238.32–63, and for an analysis of its pragmatic function, Risselada 2016: 194–6. Both *tempestas* and *procella* are often used metaphorically of political and civil disturbances (*OLD* s.v. *tempestas* 4, *procella* 2), and C. is fond of the doublet (*Dom.* 137 *tu,*

procella patriae, turbo ac tempestas pacis atque oti, Har. 4, *Cael.* 59, *Pis.* 21). The image may well be of Milo on a storm-tossed ship (the just quoted *Dom.* 137 continues: *in naufragio rei publicae ... demerso populo Romano*), although perhaps the meteorological sense of the words is attenuated enough that the metaphor is not strongly felt (cf. *Flac.* 57 *quantos fluctus excitari contionum uidetis, De orat.* 1.2). On *contiones*, see §3n. *hesterna etiam contione*; here their *popularis* element is again underscored. **semper putaui Miloni ēssĕ sŭbĕūndās** "I always thought Milo had to endure"; *subeundas* is the gerundive of *subeo* (*OLD* s.v. 4, "undergo" and so "endure"). For the phraseology, cf. *Mur.* 4 *cui uideo maximas rei publicae tempestates esse subeundas, Sest.* 139 *subeundae saepe pro re publica tempestates*; for the sentiment, cf. *Flac.* 2 *existimabam L. Flacco multitudinis potius imperitiae ... quam sapientissimorum et lectissimorum uirorum iudicium esse subeundum.* The word order secures an *esse uideatur*-type resolved cretic-trochaic clausula. *semper* is again repeated here. **pro bonis contra improbos:** loaded political terminology. The *boni* are "patriotic citizens" in general, those loyal to the state and the established order (*OLD* s.v. *bonus* 5), which for C. means in particular the aristocratic *optimates* and their supporters, i.e. those who favor senatorial authority. The *improbi*, by contrast, are the *populares*, politicians and their followers who advocate for the interests of the Roman people. The pointed descriptions are rhetorically useful. (In C.'s tendentious view, supporting senatorial authority is equivalent to being a "good citizen"; he works to redefine *optimates* not as the aristocratic few but rather as good citizens of all stripes who support his conservative political principles: cf. esp. *Sest.* 96–143 with Kaster 2006: 31–7.) These are not political parties in our modern sense of the term, nor do the two sides necessarily represent coherent ideologies. The mature C. aligned himself firmly with the *optimates* (see Achard 1981). On the connotations of *boni* and *improbi*, see Hellegouarc'h 1963: 484–95, 528–30, Achard 1981: 60–1, 197–8, 363–9. For a balanced discussion of *optimates* and *populares* with further references, see Yakobson 2017; full evidence (with perhaps idiosyncratic interpretation) in Robb 2010. **senserat** "had sided with"; the word is particularly used of political loyalties in the late Republic (*OLD* s.v. 8b). **in iudicio uero et in eo consilio in quo ... amplissimi uiri ... iudicarent:** terms referring to court cases (*OLD* s.v. *iudicium* 1, *TLL* s.v. *consilium* IV.459.49–460.15), and to the particular form of this trial especially (*in eo consilio*). C. sharply contrasts the unruly *contio* with the supposedly orderly system of legal proceedings. *uero* is adversative here in second position (*OLD* s.v. 7b), in opposition to the foregoing *ceteras*; i.e., it is not from the adjective *uerus* in agreement with *iudicio*. **ex coniunctis ordinibus amplissimi uiri** "most eminent men from the joined-together classes." *coniunctis* is Reid's convincing proposal

for the transmitted *cunctis* (floated without argument in Appendix C to his edition). Although *ordines* is constantly combined with *omnes* in C. (e.g. §87 *omnium ordinum consensu*, *TLL* IX.2.962.26–34, 64–9), it is rare with *cuncti* (only at *Fam.* 1.9.16 *cunctis ordinibus*; *Leg.* 3.32 *in ordinem cunctum* is a different usage). More problematically, *cunctis* would seem to include Rome's poorer classes, which this jury certainly did not (cf. §4n. *amplissimorum ordinum delectis uiris*). Reid's suggestion is both palaeographically neat (*con-* is commonly abbreviated *c̄* in medieval MSS, hence: *coniunctis* > *c̄iunctis* > *cunctis*) and well fits Ciceronian usage: C. is often concerned with the *concordia ordinum*, i.e. harmony among the equestrians and senators (cf. e.g. *Clu.* 152 *equites ordini senatorio dignitate proximos, concordia coniunctissimos*, *Fam.* 1.8.4 *qui a senatu et ordinem coniunctissimum* [= *equites*] *et hominem clarissimum abalienarunt*). Thus C. valorizes the jury as representing the unified opinion of these bodies. *amplissimi* repeats the compliment of §4; the adjective is usually used only in reference to senators. **numquam existimaui:** parallel in structure to *semper putaui*, but opposite in meaning with notable *uariatio* (as in §2). **spem ullam** "any hope at all," emphatically placing the object first in its colon with perhaps further emphatic arrangement of these two words (i.e., *spem ullam* rather than *ullam spem*; cf. §14n. *nouam quaestionem nullam haberemus*). Although elision is the default in Latin prose as in verse – it is simply a phonological feature of the spoken language – one might suspect that it is suspended here, with a deliberately emphatic pronunciation of *spem ullam* in hiatus; otherwise the monosyllabic *spem* would be elided and swallowed up (on elision and hiatus in Latin prose, see Riggsby 1991 [338–9 on monosyllables]). *spes* is usually construed with a genitive; *spes ad* + gerund(ive) is rare. C. may have wished to avoid ambiguity with *inimicos*; he may similarly have wished to avoid piling up genitives at *Att.* 15.20.2 *tantum spei habere ad uiuendum.* **salutem exstinguendam:** repeating *salus* from §1. The word is deliberately vague here, conjuring an image of danger to both Milo's life and his civil rights. *exstinguo* is metaphorically used of both killing and snuffing out more generally (*OLD* s.v. 2 and 3). **gloriam ... infringendam** "shattering his reputation," i.e. the glory that has accrued from resisting Clodius. For the metaphor, cf. *OLD* s.v. *infringo* 3, *TLL* VII.1.1493.63–1494.8. This prospect is considered even worse than the loss of *salus* (*non modo ... sed etiam*): Milo's *gloria* is all-important. C.'s shock is underscored by the periphrase *per tales uiros* for the members of the jury. The matching number of syllables and rhyme bind together the parallel notions in *exstinguendam* and *infringendam.*

6 Quamquam "and yet" (when introducing a main clause: *OLD* s.v. 3b; so too e.g. §70). Textbook *praeteritio* (Lausberg §882): while insisting he

will not talk about something, C. in fact talks repeatedly about that very thing, namely everything that Milo has done in service of the state (cf. e.g. §§35–7, 63, 94–5). **tribunatu rebusque omnibus ... gestis ... non abutemur:** *abutor* here means more "take advantage of" (*OLD* s.v. 3), with a slightly humorous connotation of misuse, than "abuse" (cf. the aging Ronald Reagan's "I am not going to exploit, for political purposes, my opponent's youth and inexperience"). Before C. *abutor* is almost always construed with an accusative, but from C. onwards generally with an ablative, as *utor*. Milo was *tribunus plebis* in 57, when he helped engineer C.'s recall from exile; on his career, see Introduction p. 4 and §21n. *familiarem Milonem*. The order *rebusque omnibus ... gestis* may be slightly emphatic (*omnes res* [including oblique forms] is more usual) or perhaps more likely allows for parallelism between the nouns *tribunatu* and *rebus*; in any case C. implies a vast storehouse of such signal services without having to specify any of them. For C.'s argument and language, cf. *Planc.* 3 *quamquam mihi non ... arrogo, iudices, ut Cn. Plancium suis erga me meritis impunitatem consecutum putem. nisi eius ... innocentiam ostendero, nihil de poena recusabo; sin omnia praestitero quae sunt a bonis uiris exspectanda, petam, iudices, a uobis ut, cuius misericordia salus mea custodita sit, ei uos uestram misericordiam me deprecante tribuatis.* **pro salute rei publicae:** the contrast between Milo's personal *salus* in the previous sentence and the *salus* of the Republic here precisely parallels §1. **nisi oculis uideritis insidias ... factas:** the cornerstone of C.'s defense. He will insist throughout that either Milo or Clodius set an ambush for the other; he then focuses on showing that it could not have been Milo and therefore must have been Clodius. Other possibilities are discounted (see §23n. *uter utri insidias fecerit*). *oculis* with a verb of seeing is a common and emphatic pleonasm (*OLD* s.v. *oculus* 2b), as in Engl. "see with your own eyes"; cf. e.g. *S. Rosc.* 98 *nonne uobis haec ... cernere oculis uidemini, iudices?* with Dyck. The metaphor may no longer be strongly felt: the jurors of course will not actually "see" anything, with or without "their own eyes" (although C. will try to help the jurors visualize the supposed ambush). Cf. *clariores hac luce* below, §23n. *argumentis perspicere*, §54n. *si haec non gesta audiretis, sed picta uideretis*, §61n. *cernitis ... claris ... luceat*. For the rhetoric of the argument, cf. *Clu.* 18 *haec nisi omnia perspexeritis in causa, temere a nobis illam appellari putatote; sin erunt et aperta et nefaria, Cluentio ignoscere debebitis.* **deprecaturi ... postulaturi:** the periphrastic forms are perhaps here preferred to *deprecabimur* and *postulabimus* because of the rhyme, which points the parallelism (sim. *condonetis ... assignetis* in the subordinate clauses). On the subtle evocation of technical *status* theory in these sentences, see Wisse 2007: 43–6; cf. §8n. *aut negari solere*. **multa praeclara in rem publicam merita:** *multi* is usually joined with other adjectives by a conjunction (*multa et praeclara*),

although exceptions are found, e.g. *Man.* 6 *multa ... magna et grauia bella,* and general rules for the connection of adjectives in Latin are surprisingly hard to establish (further K–S I.240–1, Risselada 1984; cf. §27n. *iter sollemne, legitimum, necessarium*). Here *praeclara in rem publicam merita* may be felt as one unit, as perhaps at e.g. *Dom.* 63 *multis fortissimis uiris* (sim. *Att.* 5.17.3); cf. *Phil.* 13.7 *multa priuata magna eius in me merita.* **condonetis** "grant pardon to" (*OLD* s.v. 3), a meaning first found in C. *condono* regularly takes a dative of the person, e.g. Caes. *Gal.* 1.20.6 *praeterita se Diuitiaco fratri condonare dicit.* Here *nobis* embraces both C. and Milo. **quia mors P. Clodi salus uestra fuerit** "because (you believe) the death of P. Clodius was your salvation." *salus* yet again (cf. §1n. *magis de rei publicae salute quam de sua*), this time that of the jurors, pointedly contrasted with the *mors* of Clodius (an anodyne word instead of, say, *caedes*). With *esse* a double dative (*saluti uobis*) is the more common construction (K–S I.345; further Löfstedt I.194–9); it is just possible that the nominative is here preferred to create some blurring between *mors P. Clodi* and *salus uestra* in the following *eam* (see below). The perfect subjunctive *fuerit* represents the cause in the mind of the jurors (*NLS* §240). The variant *si* (ET) for *quia* (HV^c^) perhaps arose from a scribe not understanding this usage; although *si* is not impossible, it would be less forceful. **idcirco** "for that reason," a common redundancy with *quia* and other "because" words. C. has a marked preference for *idcirco* over *ideo* (193x vs. 59x), but the tendency is reversed in almost all other Latin authors (*TLL* VII.1.172.22–30, with table). **eam:** i.e. *mors P. Clodi,* although there is perhaps some slippage with *salus uestra*; the two have just been equated. **uirtuti Milonis ... populi Romani felicitati:** as throughout, Milo's virtue is emphasized (cf. §3 *uirtuti Milonis*), even when C. denies that it was the cause of Clodius' death. For the argument that the gods were the real cause of Clodius' demise, cf. §83n. *Fortuna populi Romani et uestra Felicitas et di immortales.* **sin** "but if." The variant *sed si* (TW, against *sin* in HV^c^E) is either a gloss or derived from the MS abbreviation *sī* = *sin.* **clariores hac luce** "clear as day," proverbial (cf. e.g. *Ver.* 2.186 *quod erit uobis luce clarius, Catil.* 1.6; *TLL* VII.2.1909.29–35, Otto 999). **tum denique** "only then," a common fixed phrase. In general *denique* strengthens the preceding word; cf. §20n. *agri denique ipsi.* **obsecrabo obtestaborque uos, iudices:** the yoking of these two verbs (or one of them paired with *oro*; cf. §§92, 105) is common; cf. e.g. *Sest.* 147 *uos obtestor atque obsecro* (further Wölfflin 1933: 268–9). Its formulaic nature may account for the shift from first-person plural to singular; the phrase only occurs in the singular (although it is not a completely fixed formula, as the order of the verbs varies). **si cetera amisimus:** the first-person plural here and in the following *nobis* most naturally seems to present a general principle

of human existence, as C. will go on to develop in §10. **hoc nobis saltem ūt rĕlīnquātūr** "that this at least be left for us." The fronting of *hoc nobis saltem* before *ut* gives it extreme prominence; the cretic-trochaic clausula marks a strong break and helps introduce the concluding plea. The focus of *hoc* is further shown by the position of *nobis*, which regularly cliticizes on focused demonstratives/deictics (Adams 1994b: 122–4), and is additionally underscored by *saltem*. **uitam ... ut:** again, fronting *uitam* before *ut* gives it strong emphasis. **audacia telisque:** a striking *iunctura* involving either hendiadys or a slight syllepsis of *defendere*; the abstract notion of *audacia* is made concrete in *telis*, which makes the physical danger clear. C. frequently uses *audacia* (and *audax*) in its negative sense of recklessness when describing his political enemies (Wirszubski 1961); of Clodius, see §§30, 32, 33; so too of Catiline (e.g. *Catil.* 1.1 *quem ad finem sese effrenata iactabit audacia?* with Dyck) and Antony (e.g. *Phil.* 2.1 *tu ... audacior quam Catilina*). **impune** "without punishment." Often used in a negative sense of those escaping their just deserts (*OLD* s.v. 2), but here just legal language (cf. §9).

DISPELLING *PRAEIVDICIA* (§§7–22)

According to classical rhetorical theory, C. "should" have proceeded directly from the *exordium* to the *narratio* (Lausberg §289). Nevertheless, ancient theorists – C. above all – realized that the so-called rules always needed to be adapted to the case at hand (e.g. *Inv.* 1.13, *Orat.* 123, *De orat.* 2.146, and *passim*). In this case it was of the utmost necessity that C. first dispel several prejudices against his client, as ancient critics recognized (Quint. *Inst.* 4.2.25–6; cf. 5.2.1, 6.5.10). First he argues that a confessed killer is not condemned in advance, for self-defense is sufficient justification for killing (§§7–11). He then tries to refute the notion that the senate has already decreed the killing *contra rem publicam* (§§12–14). Finally he disputes the claim that Pompey has already declared Milo guilty (§§15–22). The order of the arguments is carefully chosen; the first, justifying self-defense, seems easy to establish, and one might wonder whether C. has misrepresented the prosecution's claims in order to knock down an easy strawman. And yet it must also be remembered that after three days of damning witness testimony and the prosecution's closing argument (see Introduction pp. 15–16), C. would have needed to try to move the jurors back to a presumption of innocence with a strong reminder that there is a perfectly respectable legal argument for self-defense. Moreover, that legal argument probably had to be spelled out; as C. can cite no law with an explicit provision for self-defense, the right must not have been enshrined in statute (cf. e.g. §11 *quodam modo tacite*; for self-defense in

Roman law, see Forschner 2015: 48–70). Regardless, securing the jurors' agreement on this point serves to establish C. as reasonable and to build consensus. The next two claims are progressively harder to prove, but C. argues the points carefully. In particular, when discussing Pompey's relationships with Clodius and Milo, C. cherry-picks what he mentions in order to create a favorable (and misleading) picture while rarely or never telling an outright lie.

Throughout this section *exempla* are used as precedents and shorthand arguments, inserting Milo into a grand tradition with luminaries of the Roman past from the Horatii to Marius (on historical *exempla* in Roman oratory, see e.g. *Rhet. Her.* 4.62, *Inv.* 1.49, *Part.* 96, *Orat.* 120, Lausberg §§410–26, van der Blom 2010: 61–147, Roller 2018: 11–13). As in the *exordium* (cf. §1n. *magis de rei publicae salute quam de sua*), the *salus* of Milo is made equivalent to the *salus* of the *res publica* itself, which was threatened by Clodius, who is consistently criticized while Milo is persistently praised. Milo is associated with a tradition of optimate slayers of *popularis* tyrants, and indeed with C. himself (e.g. §§8, 20) and thereby with the *boni* more generally (§21), who are in turn equated with the jury. Clodius, by contrast, represents the worst of *popularis* tendencies, and the heavy political shading of the *exordium* continues throughout this section.

These *praeiudicia* are not treated in a vacuum: C. is constantly bolstering his case and working toward the acquittal of his client. His own self-justification here fades into the background. In part this section simply continues the *exordium*, e.g. in conciliating the good will of the jurors. Most of this material was plausibly or probably present in the delivered version of the speech, although some of the pointed references to Pompey could be the product of revision.

Praeiudicium 1 (§§7–11)

The prosecution had claimed that a man who confessed to killing was *ipso facto* guilty of murder (§7). C. argues that self-defense is sufficient justification. The fact that C. has to draw inferences from various laws and even "nature itself" means that the right to self-defense was probably not explicitly defined in statute.

7 **Sed antequam ad eam orationem uenio quae est propria uestrae quaestionis** "but before I get to the part of my speech that is the proper business of your judicial inquiry" (cf. e.g. *De orat.* 2.115 *nihil prius constituo quam quid sit illud, quo mihi sit referenda omnis illa oratio, quae sit propria quaestionis et iudici*, *Clu.* 2, 31). C. straightaway signals a digression, with the main thread resumed at §23 *ut aliquando ad causam crimenque ueniamus.* A *quaestio*

(*OCD* s.v.) is a court of inquiry, either *ad hoc* or *perpetua* ("standing"), for serious crimes. A praetor or ex-aedile typically presided – although in this trial it was a former consul (cf. §22n. *tulit ut consularem necesse esset*) – with the jury drawn equally from the *senatores*, *equites*, and *tribuni aerarii* (cf. §4n. *amplissimorum ordinum delectis uiris*). By the time of Milo's trial the *quaestiones perpetuae* were of primary importance (e.g. the *quaestio de ui*), but *ad hoc quaestiones* could still be created, as in 61 BC after the Bona Dea affair and in the present case (see Introduction p. 13). C. will soon argue that the creation of this *quaestio* was unwarranted (§§13–14). In a positive *antequam* clause referring to the future without a clear notion of purpose, the present indicative and subjunctive are about equally common in classical Latin; cf. e.g. *Clu.* 6 *antequam de ipsa causa dicere incipio* (ditto *Clu.* 8), *Catil.* 4.20 *nunc, antequam ad sententiam redeo, de me pauca dicam* (*NLS* §227, K–S II.368–9, H–S 600). **et in senatu ab inimicis ... et in contione ab improbis et paulo ante ab accusatoribus:** a tricolon with polysyndeton; the parallel structure is broken in the third member, drawing particular attention to the *accusatores*, who have been implicitly lumped in with *inimici* and *improbi*. The language is chosen with pointed care: what senators said would ordinarily carry some weight, and they had passed a *senatus consultum* declaring the killing *contra rem publicam* (§12), but C. dismisses their authority by calling them *inimici* and using the depreciatory verb *iactata sunt* ("bandied about"); furthermore, *improbi* continues the political coloring of the *exordium*. Asconius tells us of a hostile senate speech given about a month after Clodius' death by Metellus Scipio, one of Milo's competitors for the consulship (Asc. 34–5C; on Metellus Scipio, cf. §32n. *ut iis consulibus praetor esset*), and the run-up to the trial was full of rowdy *contiones* summoned by partisans of both sides (cf. §3n. *hesterna etiam contione*). The prosecution had delivered their closing arguments immediately before C.'s speech (*paulo ante*). **omni errore sublato:** bluntly characterizing an opposing viewpoint as *error* is again pointedly polemical, although perhaps more polite than simply calling it a lie; the phrase is Ciceronian (*Clu.* 83, *Rep.* 2.18). The reading *terrore* on one side of the tradition is a miscopying perhaps influenced by C.'s earlier emphasis on fear. **ut ... rem plane quae ueniat in iudicium uidere possitis:** C.'s justification for his digression. *in iudicium uenire* is common and means "to be subjected to judicial inquiry" (*OLD* s.v. *iudicium* 2b). *ueniat* is subjunctive in an indirect question whose subject has been fronted for emphasis (K–S II.498; cf. "see the lilies of the field, how they grow"). *plane* is common with *uideo* (*TLL* x.1.2340.61–5), although the word order here is somewhat unusual, with *plane* separated from *uidere* and itself separating *rem* from *quae*, perhaps underscoring the force of the adverb. **negant:** C. here plunges straight into the first *praeiudicium*; there is no connective

word. The verb's subject is understood from the preceding sentence (*ab inimicis ... ab improbis ... ab accusatoribus*) and is probably the prosecution in particular; this sentence thus reports their words (cf. e.g. *Mur.* 6 for subject-less *negat* used of a prosecutor). Latin prefers *nego* to *dico non*; cf. §47n. [*hi*] *qui Clodium negant ... fuisse rediturum.* **intueri lucem** "to look upon the light" = "to live" (*TLL* VII.2.90.28–33, *OLD* s.v. *lux* 6). This high-style periphrasis is presumably quoting the prosecution's words back to them, although in a form and context suited to C.'s own rhetorical ends. **occisum:** a strong word for "killed" (Löfstedt II.342–4); C. is again quoting the prosecution. He switches to the more neutral *interfectam* at the end of this section. **in qua tandem urbe** "in what city, I ask you." *tandem* emphasizes C.'s feigned impatience with the prosecution's argument (*OLD* s.v. 1b); cf. e.g. *Catil.* 1.1 *quo usque tandem*, Ter. *Ad.* 685 *in qua ciuitate tandem.* The abrupt rhetorical question grabs the jurors' attention; it introduces a series of *exempla* in which famous figures from Rome's past are agreed to have committed justifiable homicide, lending support to C.'s claim that such a thing is possible. **stultissimi** perhaps "most stupidly," an example of Latin's tendency to use adjectives where English prefers adverbs (e.g. *inuitus* "unwillingly"; A–G §290), or perhaps just invective directed at the prosecution, which would however work better with a demonstrative pronoun. There will be a contrast with §8 *doctissimi homines* just below. **nempe in ea quae** "why, in that city which." This is a specialized use of *nempe*, introducing a speaker's reply to his own rhetorical question and implying that his interlocutor "of course" would have given the same answer. The usage is particularly common in C. (twenty-one out of his forty-five instances of *nempe*), and it is especially useful in his speeches; cf. §15, Schrickx 2011: 88–9. **iudicium de capite** "capital trial" (*OLD* s.v. *caput* 5). **M. Horati:** Marcus Horatius, one of the Roman triplets who fought a legendary duel against the Curiatii triplets to settle the war between Rome and Alba Longa during the reign of King Tullus Hostilius (*ca.* 670 BC). Marcus was the sole survivor; he returned triumphant but, when his sister wept for one of the slain Curiatii to whom she had been betrothed, he killed her and was convicted of murder. He was then allowed to appeal to the people (*prouocare*) and was acquitted. See *OCD* s.vv. Horatii and *prouocatio*, Liv. 1.24–6 with Ogilvie. **fortissimi uiri:** cf. §1n. *pro fortissimo uiro.* **qui nondum libera ciuitate tamen populi Romani comitiis liberatus est** "who, although the city was not yet free, was nevertheless freed by the assembly of the Roman people." *nondum libera ciuitate* is a so-called ablative of attendant circumstances (A–G §419a, G–L §409), marked here as concessive by the following *tamen*; it refers to the Regal Period as opposed to the free Republic. The phrase points the contrast with *liberatus est* "he was acquitted" (*OLD* s.v. 5); i.e.,

even in the time of the kings there were acquittals for justifiable homicide (*sc.* and so much more should there be in the Republic today), with Milo's jurors implicitly linked with the *populus Romanus.* A Roman like Horatius who had invoked the right of *prouocatio* to dispute a magistrate's decision would be judged by an assembly of the people (*comitia,* neuter plural). **cum sua manu sororem esse interfectam fateretur** "although he confessed that his sister had been killed by his own hand." A strong argument: if Horatius could be acquitted of killing his own sister, how much more worthy of acquittal is Milo, who, it is implied, justifiably rid the state of a pestilence (cf. §§72–91)? *sua manu* "by his own hand" is a common form of emphasis with verbs of killing (*TLL* VIII.348.7–24); cf. e.g. *Catil.* 1.3 *C. Seruilius Ahala Sp. Maelium nouis rebus studentem manu sua occidit.* C. has repeated the prosecution's own earlier-quoted verb in the same final position in its clause, but he has changed *occisum* to the more neutral *interfectam* and varied the position of *esse,* pointing both the parallel and the contrast.

8 An est quisquam qui hoc ignoret "could there be anyone who doesn't know this?" *an* introducing a direct question connotes surprise or indignation (*OLD* s.v. 1). *quisquam* is the regular indefinite pronoun with explicit or implicit negatives, as in rhetorical questions (*OLD* s.v. 2); *ignoret* is subjunctive in a relative clause of characteristic (or "generic" clause: *NLS* §§155–9); taken as a whole, the sentence implies that such a person surely does not exist. *hoc* points forward to the following indirect statement. **cum de homine occiso quaeratur** "when there is a trial for homicide" (*OLD* s.v. *quaero* 10; cf. §7n. *Sed … quaestionis*). The phrase *hominem occidere* is a technical term for homicide (*TLL* VI.3.2875.4–20; cf. §9). The meaning of *cum* here is purely temporal, and so the subjunctive *quaeratur* is best explained as part of a subordinate clause in indirect statement. **aut negari solere omnino esse factum aut recte et iure factum esse defendi** "the deed is either usually denied altogether or defended as having been done rightly and justly." C. here broaches the important topic of "*status* theory," the details of which are summarized by Lausberg §§79–138 (for its application to the arguments in this speech, see Quint. *Inst.* 7.1.34; cf. §6n. *deprecaturi … postulaturi* and Wisse 2007, with 47–8 on this passage). In any criminal case there is a dispute between the prosecution and the defendant over a key statement, the charge: the prosecution accuses the defendant of having done something; C. claims that the defendant can either (1) deny the act outright or (2) admit the act but argue that it was justified. The first approach is the *status coniecturae* and the second is the *status qualitatis*; two further options that C. does not mention are (3) to admit the act but argue over its definition (*status*

finitionis: "I did take it, but it wasn't theft") and (4) to admit the act but argue that the legal proceedings are illegitimate (*status translationis*: "I did it, but this court has no jurisdiction"). These *quattuor status generales* (Quint. *Inst.* 3.6.86), codified by the Greek rhetorician Hermagoras (*fl.* 150 BC), were extensively theorized in antiquity, including by C. himself (e.g. *Inv.* 1.8, 10–16, and *passim*, *De orat.* 2.99–113, 3.111–19). C. here unmistakably describes the case according to *status* doctrine, using phrases like *recte et iure*, but he scrupulously avoids introducing technical terms into the argument, which might alienate the jurors. C.'s approach in this case is a particular subset of the *status qualitatis*, namely *relatio criminis*, in which he argues that Milo did the deed but was justified because he was defending himself against an ambusher (*Inv.* 2.78; see Introduction pp. 24–5); C. thus will devote most of his attention to showing that Clodius set an ambush for Milo. **nisi uero** "unless, that is," a collocation that is virtually Ciceronian property (20x C., 1x Quint., 3x Plin.). Like *nisi forte*, it is used to put forward a ridiculous suggestion (cf. §§14, 19, 81, 91; *OLD* s.v. *nisi* 2b). **P. Africanum ... C. Carbone ... Ti. Gracchi:** C. launches into a series of proper names. The jurors cannot have had much time to think about the force of any individual case, but these figures were well known and would have conjured up a powerful feeling that it was right and proper and justified by ample historical precedent for good citizens (*boni*) to cut down revolutionary *populares*. Although such a list of *exempla* could have devolved into a catalogue, C. shows consummate *uariatio*. Many of these *exempla* are repeated in §§14, 72, and 83; they likewise occur elsewhere, e.g. *Catil.* 1.3–4, 4.4; cf. *Rep.* 1.6, Schoenberger 1910: 23–5. Tiberius Sempronius (*RE* 54) Gracchus proposed, as tribune in 133 BC, an agrarian bill designed to benefit the landless poor by confiscating and redistributing some of the *ager publicus* that the wealthy had illegally taken possession of. This was an attempt to solve several long-standing Roman problems, including the diminishing numbers of men who met the property qualifications required for military service. This bill was predictably unpopular among the powerful, and a complicated series of political maneuvers ensued. These culminated, when Gracchus tried to seek a second consecutive term as tribune (a move presented by his enemies as a bid for monarchy), in his death at the hands of a mob of senators and their clients; see Stockton 1979: 23–86. Gaius Papirius (*RE* 33) Carbo was one of Gracchus' allies and later a member of his land commission; he was widely suspected of playing a role in the death of Publius Cornelius Scipio Aemilianus Africanus (cf. §16n. *cum P. Africano domi suae quiescenti illa nocturna uis esset illata*), the victorious general of the Third Punic War and the Numantine War. The descriptor *tribuno plebis* means "*when* tribune of the plebs" (131 BC); C. would not otherwise give his title,

and only a tribune had the right to summon someone to a *contio* or to force them to speak at one. C. also reports this anecdote at *De orat.* 2.106, noting that Carbo later flipped his position (*C. Carbo consul, nihil de C. Gracchi nece negabat, sed id iure pro salute patriae factum esse dicebat; ut eidem Carboni tribuno plebis alia tum mente rem publicam capessenti P. Africanus de Ti. Graccho interroganti responderat iure caesum uideri*); Astin 1967: 264–5 collects all testimonia on the famous incident. Scipio Aemilianus is thus a loaded *exemplum* targeted at the *optimates* and their sympathizers in the jury (sim. *Off.* 1.76; cf. *Rhet. Her.* 4.68 for the opposite perspective); C. can praise Gracchus elsewhere when it suits his goals (cf. e.g. *Agr.* 1.21, 2.10 with Manuwald). For detailed discussion of Cicero's attitude toward the Gracchi, see Murray 1966. **qui ... responderit iure caesum uideri:** subjunctive in a causal *qui*-clause (better than considering it part of indirect speech). *uideri* "(in legal and other technical contexts) to appear after due consideration" (*OLD* s.v. 22) is formulaic in the pronouncements of judges, the senate, and so forth: Oakley ad Liv. 8.10.12 with supplemental note p. 573; Daube 1956: 73–7 for the origins of the phrase. *iure caesum* is likewise a legal phrase; cf. the quotation in §9n. *XII tabulae.* Africanus' remark is thus a highly formal, quasi-legal verdict, and it also creates a link with the *recte et iure* of the previous sentence. **seditiose in contione interrogaretur quid ... sentiret:** further quasi-technical language: *interrogo* is used of asking a senator his opinion (*sententia* < *sentio*) on an issue in the senate (*OLD* s.vv. *interrogo* 3, *sententia* 7); here it is transferred to a *contio* (on *contiones*, see §3n. *hesterna etiam contione*). With *seditiose* ("mutinously," *OLD* s.v.) C. lets the audience know how they should feel; this is a highly prejudiced political word found elsewhere describing Carbo (*Ver.* 1.37 *malus ciuis, improbus consul, seditiosus homo Cn. Carbo fuit*) and *populares contiones* (e.g. *Clu.* 2 *contiones cottidianas seditiose ac populariter concitatas*). **Ahala ille Seruilius:** in 439 BC Gaius Servilius (*RE* 32) Ahala killed Spurius Maelius (*RE* 2) with a dagger concealed in his armpit (*ahala* ~ *ala*, "armpit"). Maelius had bought a large supply of wheat, which he sold to the poor at a discount price, supposedly aiming at kingship; cf. §72, Liv. 4.12–16 with Ogilvie. *ille* refers to "that famous Servilius of yore" (*OLD* s.v. 4). In C. a cognomen (*Ahala*) regularly precedes a nomen (*Seruilius*) when no praenomen is given: cf. *Att.* 2.24.3 *Ahalam Seruilium* with Shackleton Bailey; further examples at Shackleton Bailey 1992: 7–8. **P. Nasica:** Publius Cornelius (*RE* 354) Scipio Nasica Serapio (cos. 138 BC), *pontifex maximus* and leader of the band of senators and senatorial clients who killed Tiberius Gracchus: see Plut. *TG* 19; further sources in Riecken 1911: 151–70, Greenidge and Clay 1960: 8–9. **L. Opimius:** when Opimius (*RE* 4) was consul in 121 BC, the first (so-called) *senatus consultum ultimum* was passed, in which magistrates are exhorted to

preserve the majesty of the Roman people and ensure that the *res publica* suffer no harm (Drummond 1995: 79–113, Lintott 1999a: 89–93, Lundgreen 2015 with further discussion and references; the term itself is modern, based only on Caes. *Civ.* 1.5.3). Opimius crushed Gaius Gracchus – Tiberius' younger brother – and his followers in a violent confrontation; he then condemned many of Gracchus' supporters to death in a special *quaestio.* For these actions he was prosecuted but acquitted in 120 BC. **C. Marius:** like C. a *nouus homo* from Arpinum, Gaius Marius (*RE* 14 in suppl. 6) rose through the *cursus honorum* by military success; he allowed those who did not meet the traditional property qualifications into his army and held the consulship a remarkable seven times. In 100 BC the *senatus consultum ultimum* was passed to enable him to suppress a riot led by the *popularis* tribune L. Appuleius (*RE* s.v. *Apuleius* 29) Saturninus and the praetor C. Servilius (*RE* 65) Glaucia. After surrendering to Marius, Saturninus and Glaucia were imprisoned in the Senate House, where they were killed by an angry mob without Marius' lifting a finger to stop them; for a Ciceronian justification of Saturninus' death, see *Rab. Perd.* This *exemplum* accords well with C.'s interest in legitimizing his own execution of the Catilinarian conspirators (see next note); on this use of the exemplary Marius in C., see Grillo ad *Prov.* 19, van der Blom 2010: 222–5 and 341 with list of instances. **me consule senatus non nefarius haberi:** after a lengthy debate on 5 December 63, the senate decreed that the five Catilinarian conspirators already in custody should be summarily executed (cf. e.g. Sal. *Cat.* 53; for recent discussion, see Berry 2020: 48–51). This was the resolution that C. had wanted, but his execution without trial of these Roman citizens led ultimately to his exile at the hands of Clodius (see Introduction pp. 2–3). It is typical here that C. redirects responsibility for these extrajudicial executions away from himself and onto the senate; after his return from exile he is insistent that the conspirators were executed on the senate's authority (cf. e.g. *Dom.* 94, 114; further Robinson 1994b). *non nefarius* "not guilty of a crime" looks forward to the conditional *si* ... *nefas esset*; it also picks up and explicitly refutes the prosecution's claim in §7 *negant* ... *fas esse.* Here *haberi* = "to be considered" (*OLD* s.v. 24). **sceleratos ciues:** those who are killed are acknowledged to be citizens, but they are condemned in the strongest possible language with the adjective *sceleratos* ("heinously criminal," *OLD* s.v. 2), one of C.'s favorite epithets for his enemies, including Clodius (cf. e.g. §33 *hominis sceleratissimi*). **hoc** points forward to the accusative with infinitive. **non sine causa** "with good reason," an emphatic litotes particularly favored by C. (46x, out of 90x total in PHI; *OLD* s.v. *causa* 6b). **etiam fictis fabulis** "even in made-up tales"; *fabula* here embraces "story," "myth," and "play" (*OLD* s.v. 4–6), i.e. tragedies about Orestes

and/or the Orestes myth more generally. *ficta* is a standard epithet with *fabula*, especially in C. (cf. §42; *TLL* VI.1.32.17), redundant but perhaps favored for its alliteration. The Scholia Bobiensia well observe that this mythological (and so perhaps less credible, Quint. *Inst.* 5.11.17) example is placed between more persuasive historical *exempla* (114.4–10 St.). **doctissimi homines memoriae prodiderunt** "the most learned people have handed down the tradition." *doctissimi homines* here means "poets" (*OLD* s.v. *doctus* 3), but the periphrasis invests them with greater authority and contrasts with §7 *homines stultissimi.* In addition to Aeschylus' *Oresteia*, we know that Orestes appeared in Roman plays by Ennius, Atilius, Pacuvius, and Accius, among others: see Jocelyn 1969: 283–5. *memoriae prodo* "transmit to memory" (*OLD* s.v. *prodo* 5) is especially common in C. (26x) but occurs in most prose authors (*TLL* VIII.677.70–8). The whole sentence is in a slightly elevated style, perhaps befitting the subject. **eum qui ... matrem necauisset:** Orestes. C.'s not naming Orestes may be in line with his tendency not to be too specific in narrating Greek material in a public oration (cf. e.g. *Ver.* 4.5 *earum artificem – quem? quemnam? recte admones – Polyclitum esse dicebant*; on C. and Hellenism, see Zetzel 2003, with a nuanced interpretation of the Polyclitus passage, and Gruen 1992: 240–1, 264–8), although he obviously expects his audience to recognize the allusion. *necauisset* is subjunctive in a subordinate clause in indirect discourse; C. has a tendency to syncopate such forms (i.e. *necasset*; cf. §4n. *quae uultu et uerbis saepe significassent*), but sometimes the full form is found (here the reason is probably not prose rhythm: both *matrēm nĕcāuīssēt* and *caūsā mātrēm nĕcāssēt* are good). **uariatis hominum sententiis ... sapientissimae deae sententia liberatum:** the Athenian jury was divided on whether to acquit Orestes; Athena, here valorized not just as a goddess but as the wisest of divinities, cast the deciding vote. (In Aeschylus' version scholars disagree about whether she broke the tie with her vote or caused it, with ties going to the defendant: see Sommerstein ad *Eum.* 711–53. In any case she voted for Orestes and so brought about his acquittal.) There is thus divine approval for acquitting a confessed killer, and the jurors themselves are perhaps equated with the goddess of wisdom. For *uariatis* "divided," see *OLD* s.v. *uario* 4b; *sententia* here has the specialized sense of "a juryman's vote" (*OLD* s.v. 4b); *liberatum* recalls the language used of Horatius immediately above.

9 quod si "and if"; lit. "as to which, if," an idiomatic phrase commonly used to continue an argument; technically *quod* is an adverbial accusative (*OLD* s.v. *quod* 1b, A–G §§324d, 397a, G–L §610 R. 2, K–S II.321, H–S 571). The apodosis to this conditional will be a rhetorical question. **XII tabulae:** Rome's earliest compilation of laws, supposedly dating to 450 BC, and thus

a precedent of the longest-standing and the highest authority. What follows is legalistic language paraphrasing the statute, the wording of which is reconstructed by Crawford 1996: II.612 (= *Lex XII* I.17): *si nox furtum fa<x>it, <ast> im occisit, iure caesus esto. si luci <furtim faxit, ast> se telo defendit, … endoque plorato* ("if he commit theft by night <and> he killed him, he is to be lawfully killed. If <he commit theft> by day <and> he defended himself with a weapon, … and he is to call out"). C. refers to the law also at *Tull.* 47–52 – where he quotes it to demonstrate how *rarely* homicide can be justified! **nocturnum … diurnum:** thieves are regularly described as "operating by night" (*OLD* s.v. *nocturnus* 3), but *diurnus* "operating by day" appears almost exclusively as legalese; cf. e.g. *Dig.* 48.19.16.5 (Saturninus) *tempus discernit … furem diurnum a nocturno* (further *TLL* V.1.1641.17–23). **quoquo modo** "under any circumstances" (lit. "in whatever way"), i.e., whether the thief is armed and defends himself or not. The use of this phrase without a verb is very rare in C., but cf. *Off.* 3.87; later e.g. Suet. *Aug.* 21.2. **si … defenderet:** a general condition; imperfect subjunctive in indirect speech in secondary sequence. **impune** "without punishment"; more legal language. **uoluerunt** "decreed," in effect (used of an "authoritative wish," *OLD* s.v. 13). **quis est qui, quoquo modo quis interfectus sit, puniendum putet** "who is there who thinks that, regardless of the circumstances in which someone has been killed, there must be a punishment?" *putet* is subjunctive in a relative clause of characteristic; cf. §8n. *An est quisquam qui hoc ignoret.* As in §8, the phrase as a whole implies that there could be no such person. *quoquo modo* echoes the foregoing phrase, reminding the jurors of the need to look to the circumstances of a killing. *quis* = *aliquis* in an enclitic position is regular with relative clauses (A–G §310a, G–L §315, K–S I.633). *puniendum* is an impersonal gerundive (*NLS* §204; cf. §19 *puniendum*); for the word's orthography, cf. §33n. *punitus es.* **gladium nobis … ab ipsis pōrrĭgī lēgĭbūs** "a sword is held out to us by the law itself." A vivid image, with bold personification of the law (hence *ab* with an ablative of personal agent); for further personification, cf. §11 *silent enim leges inter arma.* The plural *leges* commonly means "law" (*OLD* s.v. 3), whereas the singular *lex* means "*a* law." For the idea, cf. *Planc.* 45 *quae* [sc. *arma*] *tibi lex dabat,* Liv. 3.55.3 *qua lege tribuniciis rogationibus telum acerrimum datum est,* Sen. *Contr.* 9.1.1 *ferrum a lege mihi traditum.* Quintilian well observes that this image spices up a potentially bland diet of syllogistic reasoning (*Inst.* 5.14.35). The mild hyperbaton of *ab ipsis porrigi legibus* draws attention to *legibus* and creates a double cretic clausula (cf. §57 *parum amplis affĕcĕrīt praēmĭīs*); on the effects of hyperbaton in C., see Adams 1971: 2–6 and Powell 2010. **Atqui si tempus est ullum … certe** "now if there is ever a time … without a doubt"; *atqui* continues the argument just made, here with little or no adversative force

(L&S s.v. II.B; for *atqui si ... certe*, cf. §19). The postponement of *ullum* is emphatic (so too §19 *tempus ullum*; see further §14n. *nouam quaestionem nullam haberemus*). For the form of the conditional, in which the protasis refers to a general statement and the apodosis a specific instance, cf. §6 *si cetera amisimus* etc. **quae multa sunt** "and there are many (such times)"; presenting a notionally hypothetical condition and then immediately interrupting it with a confirming statement is a Ciceronian mannerism, cf. e.g. *Lig.* 13 *si enim est in exilio, sicuti est, quid amplius postulatis?* (further Landgraf ad *S. Rosc.* 22). Here C. affirms that there is no doubt that such killings are legitimate. The shift from the singular *tempus* to the plural *quae* is natural in referring to an entire class; see K–S I.31. **cum ui uis illātă dēfēndĭtūr** "when a violent attack is warded off by violence"; cf. §16 *nocturna uis ... illata*, §30 *ui uicta uis*, *Catil.* 1.21, *Red. Sen.* 19 *uim ui esse superandam.* For this *iunctura* and the idea of legitimate self-defense, cf. *Dig.* 43.16.1.27 (Ulpian) *uim ui repellere licere Cassius scribit, idque ius natura comparatur: apparet autem, inquit, ex eo arma armis repellere licet*, *Dig.* 9.2.45.4 (Paulus) *uim enim ui defendere omnes leges omniaque iura permittunt*; further Lintott 1999b: 22–34, Forschner 2015: 48–70. C.'s juxtaposition of *ui uis* is elegant and sets up a double-cretic clausula to punctuate the *sententia.* **pudicitiam cum eriperet militi tribunus militaris** "when a military tribune was trying to violate the chastity of a soldier." The story of Gaius Lusius, a nephew of Marius, is narrated in full at Plut. *Mar.* 14.3–5. Lusius repeatedly tried to seduce the virtuous soldier, and eventually summoned him to his tent by night and tried to force matters, whereupon the soldier drew his sword and killed him. Brought to trial before Marius, the soldier defended himself successfully and was indeed rewarded by Marius for his virtuous conduct. The *exemplum* was well known: cf. e.g. *Inv.* 2.124, Val. Max. 6.12, Quint. *Inst.* 3.11.14. It is here introduced without a connective particle, with *pudicitiam* fronted for emphasis and *cum*, as often, placed in second position. *eriperet* is a conative imperfect, as the tribune did not succeed in his attempt; the imperfect describes the background situation in which the tribune was killed (Pinkster 2015: 420–1). *eripio* is commonly construed, as here, with a dative of disadvantage (cf. e.g. §26 *consulatum Miloni eripi non posse, uitam posse*). The periphrasis *pudicitiam eripere* is somewhat delicate. **facere enim probus adulescens periculose quam perpeti tūrpĭtēr mālŭĭt** "for the morally upright young man preferred to act dangerously rather than to suffer shamefully," i.e. to risk punishment for murder of Marius' nephew rather than to submit to sexual humiliation. The fronting of *facere* perhaps draws attention to the "action" (for *facio* + adverb, see *OLD* s.v. 28), while the alliteration and double-cretic rhythm point the *sententia*, which Quintilian cites with approval (*Inst.* 8.5.11). **hunc ille summus uir:** *hunc* = the soldier, here fronted for

emphasis and juxtaposed with a valorizing description of Marius. C. often describes Marius in glowing terms (cf. e.g. *Sest.* 50 *diuinum illum uirum atque ex isdem quibus nos radicibus natum ad salutem huius imperi*); see the index of van der Blom 2010 s.v. Marius. **scelere solutum periculo liberauit** "freed him from danger by acquitting him of the crime"; cf. §31 *nos scelere soluamur. periculo* picks up *periculose,* but it is also the technical term for the risk facing a defendant (*OLD* s.v. 3); *liberauit* continues the use of this verb for "acquit."

10 insidiatori uero et latroni quae potest inferri iniusta nex? "but for an ambusher and a brigand, what violent death could be inflicted that is unjust?" Fronting *insidiatori* and *latroni* strongly emphasizes them, and it is simply assumed that Clodius is in fact an ambusher and a brigand. The rare monosyllable *nex* at the end of the sentence is likewise emphatic (cf. §36 *non seruos, non arma, non uim,* §43 *quis ignorat maximam illecebram esse peccandi impunitatis spem?*). **quid ... uolunt** "what's the point?" (*OLD* s.v. *uolo* 16). **comitatus nostri** "our escorts" (*OLD* s.v. *comitatus* 1), i.e. for protection on the dangerous roads of Italy. This was standard procedure: cf. Asc. 31C *ut illo tempore mos erat iter facientibus,* Plut. *Cat. min.* 20, Lintott 1999b: 28–9, 128. **liceret ... liceret:** the precise verbal repetition points the idea. The argument for self-defense here is presented in the form of a contrary-to-fact conditional; put positively, "we are allowed to have swords, therefore we must be allowed to use them." **Est igitur ... salutis:** *est* here = "there is," existential in first position (H–S 405, Pinkster 2015: 200); cf. §13 *erant enim leges,* §45 *fuit insanissima contio,* §46 *sed erant permulti,* §84 *est, est illa uis profecto.* The first part of this carefully constructed sentence is a tricolon whose members consist of contrasted opposites (*non scripta sed nata lex*), often bound together by consonance (*non docti sed facti*), assonance, and rhyme (*non instituti sed imbuti*; as Berry translates, "which we know not from instruction but from intuition"), all of which is carefully balanced (e.g. *didicimus, accepimus, legimus* ~ *arripuimus, hausimus, expressimus*). C. liked the sentence well enough to quote it in full at *Orat.* 165 as an example of Gorgianic *concinnitas.* The claim is that self-defense is a law of nature (*nata, ex natura ipsa*; cf. *Leg.* 1.19 *quae* [sc. *lex naturae*] *saeclis omnibus ante nata est quam scripta lex ulla*; for the rhetoric of natural-law justification, cf. *Phil.* 11.28). **ex natura ipsa ... expressimus** "we have extracted from nature herself," a slightly unusual usage of *exprimo* that is hard to parallel; the word usually has a negative connotation (cf. *OLD* s.v. 4, *TLL* v.2.1786.56–63). **ad quam:** the prepositional phrase is more easily construed with *facti* and *instituti* than with *docti* and *imbuti,* but the extension is easy enough and serves C.'s desired parallelism. **ut ... omnis honesta ratio esset expediendae**

salutis "namely that ... every means of securing our safety is legitimate." This noun clause is in apposition to the *lex* just described. The word order *omnis honesta ratio* is unusual, since *honesta* is predicate. The theme of *salus* recurs again here (cf. §1n. *magis de rei publicae salute quam de sua*); *expedio* is literally to free from fastenings or wrappings, but here means "accomplish" or "achieve" (*OLD* s.v. 7). *ratio* commonly takes a genitive with a gerundive (*OLD* s.v. 14b). The unexpected secondary-sequence subjunctive seems to arise from thinking of the law as originating at some point in the past (time immemorial if it is a "natural" law); cf. further §11n. *ut ... non ... iudicaretur.* It is less satisfactory to explain the tense as attracted by *arripuimus* etc. (Lebreton 250), since those verbs are all true perfects, i.e., primary sequence. **si uita nostra ... incidisset** "if ever our life has fallen into ..." The pluperfect marks the action as occurring before the following *esset.* **in aliquas insidias:** *aliquas* after *si* could add stress (G–L 315 n. 1), but it is also regular when the word is too far removed for *si* to serve as its host in enclitic form *qui/quis* (K–S 1.635); in this speech, cf. §§63, 66, 67, 99. **si in uim et in tela:** the repetition of *si in* continues to build to a climax, as does perhaps the repetition *in uim et in tela,* since typically the preposition is not repeated in such cases (K–S 1.579; for repeated prepositions in this speech, cf. §3 *de se, de liberis suis, de fortunis ... decertari,* §20 *ex P. Clodi telis et ex cruentis eius manibus,* §56 *sine praesidio et sine custodia,* §76 *a liberis ... et a coniugibus,* §90 *a multitudine ... ab uno*). All of these nouns are themselves repeated from the preceding sentences.

11 silent enim leges inter arma: a famous *sententia* (Otto 944.3); cf. e.g. Luc. 1.277 *leges bello siluere coactae,* Plut. *Mar.* 28.2 λέγεται ... εἰπεῖν ὅτι τοῦ νόμου διὰ τὸν τῶν ὅπλων ψόφον οὐ κατακούσειεν ("he [sc. Marius] is reported to have said that he couldn't hear the law over the din of the weapons"), Hier. *Epist.* 126.2 *iuxta inclitum oratorem silent inter arma leges.* If these words were added in revision, they could be a pointed meta-reference to the trial itself. **nec se exspectari iubent** "nor do they order that they be waited for," i.e., the ambushed party is free to act straightaway. The variant *uolunt* (CH) should be rejected: Quint. *Inst.* 5.14.17 quotes the passage with *iubent,* and the use of *uelit* in a different sense immediately following would be somewhat awkward here (but cf. on *causa* below). The variant could be influenced by memory of the similarly used §9 *uoluerunt,* or perhaps more likely by anticipation of the following *uelit.* **ei qui ... uelit:** *ei* is a dative of agent with the following gerundives; *uelit* subjunctive in a relative clause of characteristic. **iniusta poena luenda ... iusta repetenda:** the parallelism and rhyme point up the contrasting meanings (cf. §35 *iniusto ... iustum*); strictly speaking *repetenda* should be *repeti possit* vel sim. **etsi** "and yet," introducing a main clause (*OLD* s.v. 2); cf. §6n.

Quamquam. **persapienter:** *hapax* in extant Latin, though cf. *Prov.* 44 *persapientis.* Such *per-* compounds often have a colloquial flavor; in C. they are common in the *Verrines* but relatively rare thereafter, except in *Cael.* (Laurand 271–7). Perhaps a touch of familiarity here smooths the way for the relatively technical legal language to follow. **quodam modo:** "in some sense" (*OLD* s.v. *quidam*[1] 1e). C. thus softens the metaphor in *tacite*; he often apologizes for even the slightest deviations from literal language (cf. §21n. *diuina quadam mente praeditus*). **quae non … uetat** "which doesn't forbid a person from being killed, but rather forbids being armed in order to kill a person." The distinction, as C. will make clear, is one of intent: homicide is not illegal *tout court*, but homicide with "malice aforethought" is. There is a textual difficulty here, viz. whether to read *non … uetat* (HB) or *non modo … uetat* (ET). Palaeography will not help: abbreviated *modo* could easily have been omitted after abbreviated *non* (*nō mō* vel sim.; cf. *Sul.* 29 with Berry), but a scribe could just as easily have added *modo* reflexively to complete a familiar construction (or *modo* could have intruded from the foregoing *quodam modo*). If the law referred to is the *lex Cornelia de sicariis et ueneficiis*, as virtually all scholars assume (since that law contains the phrase *qui cum telo fuerit hominis occidendi causa*; cf. e.g. *Rab. Perd.* 19, Crawford 1996: II.749–53), it may indeed have had a clause forbidding killing (*qui … hominemue <occidit> occiderit*), but the statute's final provision, viz. *cuiusue dolo malo* ("with malice aforethought") *id factum <est> erit*, qualified that prohibition: the defendant's state of mind was relevant to any inquiry. Under the *lex Cornelia* it is clear that a defendant could be acquitted of killing under some circumstances; cf. *Dig.* 48.8.1 pr. (Marcianus) and Paul. *Sent.* 5.23.3 (both passages cited in §19n. *quasi exitus rerum, non hominum consilia legibus uindicentur*). If the *lex Cornelia* as interpreted and applied allowed for such acquittals, then it did not in fact forbid killing outright, which is precisely what C. is asserting here. When he claims that the law *tacite* grants the power of self-defense, he is making an argument from logical extension: the law does *not*, he says, forbid "a person being killed" (*sc.* in all circumstances), and therefore killing must be allowed in some circumstances, one of which (he argues) is self-defense (on self-defense under Roman law, see Forschner 2015: 48–70). Thus *non … uetat* not only suits C.'s argument, but also fits the evidence (contra Ferrary 1991: 418 and Crawford 1996: II.751). The interpretation of Cloud 2009: 142–5, viz. that C. is in fact referring to the *lex Pompeia de ui*, i.e. the law that Milo is being charged under, but that he has deliberately conflated the *lex Cornelia* and the *lex Pompeia* here, is improbably complicated. More radically, Gaughan 2010: 75–6 argues, based on word order in Marcianus' and Ulpian's wording of the *lex Cornelia*, that its provision about homicide was added later by the jurists. This would

solve the problem in C.'s text at a stroke, but the evidence is very thin. Homicide is a challenging concept in Roman law more generally, and one that undergoes considerable evolution over the centuries: Sánchez-Moreno Ellart 2013. **cum telo** "armed" is a fixed phrase (cf. §29 *cum telis*, §66; *OLD* s.v. *telum* 3c). **causa:** in this sentence and the next, *causa* occurs a remarkable five times and in three different senses; for such repetitions, cf. Dyck ad *S. Rosc.* 5. **ut ... non ... iudicaretur:** a result clause interrupted by a parenthetical *cum*-clause; the subject is the implied antecedent of *qui ... esset usus.* The verbs are in secondary sequence despite the present *uetat* since C. seems to think of the law as having been passed in the past; cf. §§10, 30, *Leg.* 3.27, *NLS* §149 n. 1, K–S II.186, Lebreton 245. **cum causa non telum quaereretur** "since it's the motive, not the weapon, that is the subject of the inquiry" (*OLD* s.v. *causa* 7); cf. §8 *cum ... quaeratur*, and for the structure cf. e.g. §15 *is causam interitus quaerendam, non interitum putauit*, *Phil.* 9.3 *causam mortis ... non genus esse quaerendum.* The rhyme and rhythms of *quaērĕrētūr* and *iūdĭcārētūr* help bind the members of the sentence together and bring it to a strongly punctuated conclusion. **qui ... telo esset usus** "who used a weapon in self defense." A bland periphrasis, eliding mention of killing. The verb is subjunctive in a relative clause of characteristic. **hoc maneat in causa** "let this remain established as a principle in the case"; cf. e.g. *Off.* 3.49 *maneat ergo, quod turpe sit, id numquam esse utile*, *Rab. Post.* 25, *Div.* 1.38. **non ... dubito quin** "I do not doubt that," a fixed phrase. In C. *dubito* is overwhelmingly used either with a negative or as part of a rhetorical question expecting a negative answer (165/196x in his speeches). The conjunction *quin* is regular in such phrases (*OLD* s.v. 5), although in other authors an accusative with infinitive is sometimes found (in C. only once out of 188 instances of *non dubito* and the like, at *Fin.* 3.38): *TLL* v.1.2080.52–2081.76, including a table; cf. §63n. *non dubitaturum fortem uirum quin.* **probaturus sim uobis defensionem meam:** *probo* more commonly means "regard as good" (e.g. §§12, 62, 77, 81) but especially in a judicial context can mean "cause to regard as good," i.e. "prove" (*OLD* s.v. 7; cf. §32, *Quinct.* 92). **si id memineritis quod obliuisci non potestis:** the slight pleonasm *id ... quod*, all setting up the accusative with infinitive, is perhaps emphatic, and the entire phrase compels assent by simply assuming it. *memini* regularly takes a genitive of a personal pronoun, but in reference to things either the accusative or genitive can be used, and neuter accusative *id* is normal to prevent ambiguity (*eius* = him/her/it); sim. *obliuiscor* (cf. §62n. *obliti estis ... sermones et opiniones*). **<u>in</u>sidiatorem <u>in</u>tērfĭcī iūrĕ pōssē:** this long section is rounded out by a summarizing *sententia* with alliteration and a cretic-ditrochaic flourish; it is a foundational point of the defense.

Praeiudicium 2 (§§12–14)

Some allege that the senate has already condemned Milo by decreeing Clodius' killing *contra rem publicam.* C. deflects this claim while also questioning the special form of the present judicial inquiry, which might be thought a piece of evidence that the senate was against Milo. He argues that the senate had in fact been content with the traditional procedure.

12 Sequitur illud quod "there follows the allegation which" (*OLD* s.v. *sequor* 6); *illud* introduces the following indirect speech. **a Milonis inimicis saepissime dicitur:** cf. §7 *quae ... ab inimicis saepe iactata sunt.* **caedem in qua P. Clodius occisus esset senatum iudicasse contra rem publicam esse factam** "that the senate has judged the killing in which Publius Clodius was cut down as contrary to the public interest." C. here at least gives the impression of quoting the senate's decree, hence the strong word *caedes* and the subjunctive *occisus esset* (*occisus est* in ET, making these C.'s words, would detract from this point). He may, however, have introduced a slight change: with the phrase *in qua* he implies that Clodius was just one of those who died (so too §15 *in qua*), i.e., that the senate condemned the whole deadly conflict, not just Clodius' death. But as reported by Asconius, the senate's decree concerned Clodius' killing (*cognoui pridie Kal. Mart. S. C. esse factum, P. Clodi caedem ... contra rem p. factam,* Asc. 41C; Stone 1980: 90 n. 14 suggests that Asconius' wording cannot be trusted). *contra rem publicam* is a fixed phrase (cf. e.g. *Har.* 15 *decreuit idem senatus frequentissimus qui meam domum uiolasset contra rem publicam esse facturum*), here setting up a pointed contrast with *e re publica* in §14 below. **illam** = *caedem in qua P. Clodius occisus esset.* **uero** "however" (*OLD* s.v. 7b). **senatus non sententiis suis solum sed etiam studiis:** notable alliteration, perhaps emphatic. *sententiae* are votes (*OLD* s.v. 4); *studia* general sympathetic support. The order *non solum X* is more frequent in C. (Steele 1896: 156–7 with tables), but in this speech C. often uses the especially emphatic variant *non X solum,* both with a pronoun, as is common elsewhere (§19 *non haec solum ciuitas,* §66 *non ea solum*), and with other words (§45 *non causa solum,* §58 *non libertate solum,* §64 *non delata solum*); the usual *non solum X* is found at §§3, 8, 25, 74, 98. On the construction, see K–S 1.58, H–S 518. **quotiens** "how often!" (exclamatory, *OLD* s.v. 2; cf. §38). There were abundant opportunities for discussion between the killing on 18 January and the trial in early April (including an intercalary month: for the chronology, see Introduction pp. 20–2). **est illa causa a nobis acta:** *causam agere* is the technical term for pleading a case (*OLD* s.v. *causa* 3a), here referring vaguely to Milo's defense. *a nobis* refers primarily to C. while also encompassing the entire

defense team. *est* here is part of a clitic chain leaning on the focused *quotiens*; the resultant separation of *est ... acta* is emphatic: cf. Adams 1994a: 44–53 (more generally on *factus est* vs. *est factus* H–S 405). **quibus assensionibus uniuersi ordinis, quam nec tacitis nec occultis:** loosely, "and with what full-throated and open agreement of the entire senatorial order!" Ablatives of attendant circumstances (*NLS* §43.5; cf. e.g. *Brut.* 164 *nulla est altercatio clamoribus umquam habita maioribus*); the litotes seems emphatic. **quando enim:** the repeated *enim* is probably justified by the preceding *uniuersi ordinis* as setting up *frequentissimo senatu*; otherwise Ernesti's *etiam* would be attractive. **frequentissimo senatu** "a packed senate" (*OLD* s.v. *frequens* 4a); the *iunctura* is common in C. (16x; cf. e.g. *Har.* 15, quoted on the previous page, and §66), but not found elsewhere. It appears, in contrast to *frequens senatus*, to be a non-technical term: see Manuwald ad *Agr.* 1.26, Ryan 1998b: 13–51 (esp. 38–9). It sets up a sharp contrast with the following phrase. **quattuor aut summum quinque** "four or at the most five." *summum* here is an adverbial accusative (*OLD* s.v. 2); cf. §26 *respondit triduo illum aut summum quadriduo esse periturum*, *Quinct.* 78 *biduo aut summum triduo*, K–S I.280. Single *aut* here does not have the strong disjunctive function of *aut ... aut*, but rather introduces a more precise qualification (*OLD* s.v. *aut* 6c; K–S II.102); outside of C., cf. e.g. Liv. 33.5.8 *duo aut summum tres iuuenes.* **qui ... non probarent:** subjunctive in a relative clause of characteristic, especially common with numerical antecedents (K–S II.304). **declarant:** the asyndeton and fronting of the verb emphasize this new piece of supporting evidence, with an object like *id* understood; cf. e.g. *Phil.* 5.43 *non enim omnibus Sullae causa grata. declarat multitudo proscriptorum.* **huius ambusti tribuni plebis** "this scorched tribune of the plebs here," i.e. T. Munatius (*RE* 32) Plancus Bursa, as identified by Asconius and the Scholia Bobiensia (Asc. 42C, Schol. Bob. 115.1 St.). Asconius reports that Plancus and his colleague Pompeius Rufus were addressing the people in a *contio* during the impromptu cremation of Clodius' corpse in the Senate House on 19 January, and they were driven from the rostra by the spreading flames (42C); Plancus himself was thus "scorched" by the fire. *amburo* is also a technical term for cremation (cf. §86, *OLD* s.v. 3b), which is perhaps part of the bon mot. Other metaphorical notions may be present too: *ambustus* can refer to someone "singed" in a trial, i.e. someone who barely escaped condemnation (Liv. 22.35.3), perhaps in reference to C.'s defense of Plancus at some past date (*Fam.* 7.2.3); furthermore, seditious tribunes are sometimes described as "burning," although this is admittedly not the same as "burned" (e.g. *Sest.* 116 [of Clodius] *in illo ardenti tribunatu suo*, Val. Max. 6.2.3 [of Cn. Carbo] *orientium ciuilium malorum fax ardentissima*). Although Plancus was once C.'s client, C. came to detest him, and he is

exceptionally hostile toward Plancus in this speech (cf. §14n. *per furiosum illum tribunum plebis*). After Milo's trial C. successfully prosecuted him under the *lex Pompeia de ui* (*TLRR* 327), which in addition to Clodius' murder covered acts of violence committed in the course of Clodius' funeral. This alone would reveal C.'s deep hatred for Plancus, as he almost never acted as prosecutor (the only other known occasion being the trial of Verres in 70 BC). Moreover, when Plancus was convicted by a unanimous verdict (*Phil.* 6.10), C. remarked in a letter of early 51 that this conviction brought him more joy than Clodius' death (*Fam.* 7.2.2; see further Introduction pp. 43–4). After his conviction Plancus went into exile, fleeing to Ravenna and meeting with a warm welcome from Caesar (*Fam.* 8.1.4), by whom he was eventually recalled (probably in the mass recall of early 49: Kelly 2006: 200); in 43, he served under Antony at Mutina (*MRR* II.354). With deictic *huius* C. gestures (or is imagined to gesture) at Plancus himself in the court (cf. §14 *illum tribunum plebis*). In court speeches generally *hic* = "my client" (*TLL* VI.3.2719.33–41) in contrast to *iste* = "my opponent" (*TLL* VII.2.503.25–49), and in this speech *ille* = Clodius – so e.g. §§17, 25, 31, 36, 54, 58, 61. Nevertheless, these are not absolute rules, and the pronoun here may be chosen to set off the following *illae*; cf. §68n. *ne iste haud dubitans cessisset patria.* **illae intermortuae contiones** "those half-dead *contiones.*" *intermorior* seems to refer to something dying out in fits and starts, but the specific force of the word here is hard to gauge. C. uses it elsewhere of the remnants of the Catilinarian conspiracy (*Att.* 1.14.4 *de intermortuis reliquiis coniurationis, Pis.* 16 *ex intermortuis Catilinae reliquiis*). Some connection with the burning of the Senate House is not to be ruled out (cf. *OLD* s.v. 2c "[of fire] to die down temporarily"). **meam potentiam inuidiose criminabatur** "he slanderously complained of my 'influence,'" presumably quoting Plancus. *potentia* refers to unofficial power (*OLD* s.v. 1, as distinct from *potestas*), and often carries a negative connotation; C. will "correct" the word choice below to the more favorable *auctoritas* or *gratia.* The verb *criminor* likewise connotes a false or malicious charge (*OLD* s.v. 1). **cum diceret:** the subjunctive indicates that this *cum*-clause is not purely temporal but rather adds some circumstantial element (K–S II.346). The following *sentiret* and *uellem* are subjunctives in reported speech. **decernere:** the first of a series of instances of this technical term (*OLD* s.v. 5) in these sections focused on the senate's decree. **quae quidem si potentia est appellanda ... appelletur ita sane:** *quidem* here sets up one member of a contrast; *sane* the other (cf. Gk. μέν ... δέ; Solodow 1978: 67–74). The fronting of the relative pronoun, with *quidem* closely cohering, and the placing of *si* in second position are normal (cf. §2n. *quae si opposita Miloni putarem*). **propter magna in rem publicam merita:** strong political

shading reminiscent of the description of Milo in §6 *propter multa praeclara in rem publicam merita.* This echo perhaps serves to unify C. and his client in the jurors' minds. C. presents his point carefully, focusing vaguely on the positive without mentioning any (perhaps controversial) specifics. The alliteration and consonance with *m* may be emphatic, and it especially points up the contrast between *magna* and the following *mediocris.* **mediocris in bonis causis auctoritas:** more political shading, as *in bonis causis* ≈ *in causis bonorum.* With *mediocris* C. shows a certain false modesty. *auctoritas* is a much more favorable word to describe "influence," implying that it is right and proper; cf. e.g. Aug. *Anc.* 34.3 *post id tem[pus a]uctoritate [omnibus praestiti, potest]atis au[tem n]ihilo ampliu[s habu]i quam cet[eri, qui m]ihi quoque in ma[gis]tra[t]u conlegae f[uerunt]* (for further discussion of *auctoritas* with bibliography, see Hölkeskamp 2018). **aut:** single *aut* (HV^c) is here tentatively preferred as not being strongly disjunctive; in this case it approaches *uel* ("call it this or that, whichever you please"). **propter hos officiosos labores meos** "on account of these dutiful efforts of mine." C. here refers vaguely to his career as an advocate (*hos* = the sort of *labores* he is currently engaged in, i.e. forensic activities; more fully *Cael.* 6 *meus hic forensis labor*). **non nulla apud bonos gratia:** more false modesty coupled with an ameliorating rewording. Again there is a political dimension to *apud bonos*: C.'s power and influence is deliberately restricted to the so-called *boni,* the "good patriots" (*sc.* who support the primacy of the senate). **appelletur ita sane** "fine, let it be called by that name," a concession expressed by a jussive subjunctive (A–G §440, G–L §264); cf. e.g. §46 *quaesierit sane.* On "concessive *sane,*" see Risselada 1994: 333–4. **pro salute bonorum contra amentiam perditorum:** C. closes this sentence and this thought with words of the strongest political resonance, contrasting the *salus* of the *boni* – among whom are to be included Milo and the jurors and the very Republic of Rome (cf. §1n. *magis de rei publicae salute quam de sua*) – with the madness of the ruined, namely Clodius and those of his ilk (cf. §3n. *P. Clodi furor,* §4n. *a perditissimis ciuibus*).

13 Hanc uero quaestionem: C. signals his change of topic to the form of the judicial inquiry by fronting that phrase as the object of the sentence; the following *numquam* is also emphatically placed first in its colon. For the details of this *quaestio* and Pompey's legislation, see Introduction p. 13. **etsi non est iniqua:** perhaps a slight concession to Pompey and his law, but expressed in a grudging litotes: *non iniqua* is weaker than *aequa* (cf. e.g. *Rab. Post.* 45 *satis multa hominibus non iniquis haec esse debent, nimis etiam multa uobis quos aequissimos esse confidimus*). **erant enim leges, erant quaestiones:** *erant* in first position is existential ("there were"; cf.

§10n. *Est*); the asyndetic anaphora underscores C.'s indignant claim (on such *geminatio*, cf. §21n. *Non fuit ... profecto non fuit cur*). The laws referred to here included the *lex Cornelia de sicariis et ueneficiis* and the *lex Plautia de ui* (on laws against public violence, see Lintott 1999b: 107–24). Almost a decade later C. would still be making the same complaint: *Phil.* 2.22 *quamquam de morte Clodi fuit quaestio non satis prudenter illa quidem constituta – quid enim attinebat noua lege quaeri de eo qui hominem occidisset, cum esset legibus quaestio constituta? – quaesitum est tamen.* **uel ... uel:** this disjunction means "pick one or the other, whichever you'd like" (*uel* is an old imperative of *uelle*: *OLD* s.v. *uel*, Weiss 430). **maerorem ac luctum:** heavy irony. Latin authors from Ennius onwards constantly couple these two words for grief; cf. e.g. *Sest.* 128 *omnia discessu meo ... plena luctus et maeroris fuerunt* (in verbal form cf. §20n. *luget ... maeret*). C. defines these emotions at *Tusc.* 4.18: *luctus* [sc. *est*] *aegritudo ex eius qui carus fuerit interitu acerbo, maeror aegritudo flebilis.* **afferebat:** the imperfect is used to describe the event (Pinkster 2015: 411); *attulit* would simply report the action. **cuius ... de eius:** a common structure, in which the antecedent is placed after the relative clause, throwing both into strong relief. This ordering of clauses lends clarity and is thus common both in colloquial speech and in inscriptional and legal contexts: see esp. K–S II.309–11, also H–S 564 (A–G §599e goes too far in claiming that "the Relative clause more often comes first in Latin"); in this speech, cf. e.g. §§2, 15, 16, 39, 41, 47, 48, 76, 82, 93. Here the word order of the incredulous rhetorical question (*de eius interitu* fronted before *quis*) adds further emphasis. Clodius is deliberately invoked in such a way as to blacken his character. **de illo incesto stupro:** referring to Clodius' notorious intrusion on the rites of the Bona Dea in 62 BC, on which see Introduction pp. 2–3. **potestas esset erepta:** the senate had initially proposed a bill to create a special court to try Clodius with a jury hand-picked by the presiding praetor, but the tribune Q. Fufius Calenus interposed his veto. They ultimately had to settle for a watered-down bill, and Clodius was acquitted; see *CAH*² IX.361–3, further §73n. *eum cuius supplicio senatus sollemnes religiones expiandas saepe censuit.* The verb is subjunctive in a subordinate clause in indirect speech. **incendium curiae, oppugnationem aedium M'. Lepidi, caedem hanc ipsam:** C. allows that the killing was decreed *contra rem publicam*, but implicitly weakens the weight of that decree by placing it last in a list of other acts committed by Clodian partisans that were also decreed *contra rem publicam* by the senate. The Senate House was burned and badly damaged in Clodius' "cremation" (on the extent of the damage, cf. §90n. *inflammari, exscindi, funestari*). That very day the senate appointed an *interrex* to organize elections to fill the vacant consular posts, and M'. Aemilius (*RE* 62) Lepidus

(cos. 66) was chosen for the first five-day term (see Introduction p. 11). Although according to custom the first *interrex* did not hold elections, Clodius' supporters laid siege to Lepidus' house in an attempt to force him to hold consular elections immediately, presumably hoping that hostile feeling against Milo would prevent his election. Milo's own partisans eventually came to break up the siege. On these events, see Asc. 43C (cf. 33C and Dio 40.49); C. does not dilate on them, since claiming that the senate rightly condemned the other two events would imply that they had rightly condemned Clodius' death too. As seen by Wilhelm Drumann in his *Geschichte Roms*, the first *interrex* was almost certainly M'. (= Manius) Aemilus (*RE* 62) Lepidus (cos. 66), not, as transmitted by the MSS, M. (= Marcus) Aemilius (*RE* 73) Lepidus (cos. 46 and eventual triumvir). The former was the most senior living patrician *consularis*, while the latter would not hold the praetorship until 49; furthermore, we are told that the first *interrex* was married to a Cornelia, but the future triumvir was already married to Iunia, half-sister of M. Brutus, by this time. The change of *M'.* to *M.* in the MSS barely even deserves to be called a "corruption": *M'. Lepidus* has in fact been simplified to *M. Lepidus* almost every time it occurs in the MSS of C. or Asconius; for discussion, see Tansey 2016: 215–16. **nulla uis umquam ... non contra rem publicam:** C.'s alleged reason for the decree is as anodyne as his carefully phrased double negation: violence among citizens in a free state (*in libera ciuitate*; cf. §7) could never not be against the public interest.

14 non numquam "sometimes," a phrase chosen for its contrast with the foregoing *umquam.* **nisi uero aut ille dies ... uulnerarunt** "unless, that is, the day on which Ti. Gracchus was killed, or the day on which C. Gracchus was killed, or the arms of Saturninus, even if they were suppressed in the interests of the state, nevertheless did not still damage the state." For *nisi uero*, cf. §8n. *nisi uero.* There are textual troubles in this passage, but the general sense is clear: the deaths of the Gracchi and Saturninus, although they were in the public interest, nevertheless inflicted harm on the Republic (cf. Schol. Bob. 116.21–2 St.). For Tiberius Gracchus and Saturninus, see §8nn. Gaius Sempronius (*RE* 47) Gracchus was Tiberius' younger brother; he was cut from a similar cloth and came to a similar end. As tribune in 123 and 122 BC he introduced a raft of *popularis* legislation (ranging from grain doles to land bills to extending Roman citizenship). In 121, with Gracchus out of office and his laws facing fierce opposition, the political controversy turned violent; the first *senatus consultum ultimum* was issued, Gaius and his armed supporters were supppressed, and Gaius himself lost his life (see Stockton 1979: 114–205). The major textual difficulties are whether to omit or include *quo* with the

phrase *arma Saturnini* (the two MS families are divided) and what to do with the double *non* transmitted by all MSS. If *quo arma Saturnini* is read, there are three objections: (1) one would expect *ille* to be repeated with *quo* in the third member of this parallel series (Madvig 1877a: 124; cf. Madvig 1828: 48), although of course it could be inserted, as Novák 1892 suggested; (2) it would be odd for *dies* to be the subject of *uulnerarunt*; and (3) it would further be odd to find a plural verb with a series of singular subjects joined by *aut*. Omitting *quo* solves all of these difficulties, giving *uulnerarunt* an appropriate metaphorical subject in *arma* at the cost of a break in strict parallelism. It is, however, only the *suppression* of Saturninus' arms that could stand as an example of justified homicide in the service of the state, and so if this reading is right, C. must loosely include the notion of *oppressa sunt* as part of the understood subject of the verb: this could be clarified by deleting *sunt* (yielding an *ab urbe condita* construction). The MSS also transmit *non* both before *etiam si* and after *tamen*; the sentence reads more naturally when the first is deleted and the second is retained. With these choices made, *e re publica* coheres closely with *oppressa sunt*. **e re publica** "in the public interest"; a common *iunctura*, cf. e.g. *Phil.* 3.30 *senatus consultis bene et e re publica factis* (further *TLL* v.2.1110.46–56). The phrase is chosen for contrast with *contra rem publicam* above. **rem publicam tamen non uulnerarunt:** the repetition of *res publica* underscores the contrast. The syncopated and unsyncopated forms of the first-conjugation third-person plural perfect (*uulnerarunt, uulnerauerunt*) are about equally common in C., and prose rhythm cannot be the only reason for the choice here (either clausula is good). **ego ipse decreui:** C.'s own vote in the senate, described in emphatic terms. **cum caedem ... constaret:** C. again shows that he is willing to admit that the killing took place, perhaps supposed to be a gesture of reasonableness to the jurors. The *cum*-clause is causal. **in uia Appia:** on this road, see §17nn. At §§18 (*bis*), 37, and here, the MSS vary on whether to include *uia* with *Appia* (at §§15, 57, and 91 they are unanimous in its inclusion). Omitting *uia* is perfectly acceptable (cf. K–S I.231), and certainty is impossible, but in C.'s formal reference to what is "agreed," the full form seems desirable. **non eum qui se defendisset contra rem publicam fecisse:** cf. C.'s dismantling of the first prejudice in §§7–11. *defendisset* is subjunctive in a subordinate clause in indirect discourse. **cum inesset ... uis et insidiae:** *inesset* in first position is again existential ("there was"). The singular *inesset* (H) is to be preferred, agreeing with the nearest subject (or perhaps *uis et insidiae* was felt as a single unit). School grammars are wrong to state that two or more subjects usually take a plural verb (A–G §317, G–L §285): in C., in fact, a singular verb is more common, unless the subjects are people (Lebreton 1–24, K–S I.44–9, H–S 433). Cf. Engl. "for thine is the kingdom, and the

power, and the glory." **crimen iudiciō rĕsēruāuī, rēm nŏtāuī** "I left the question of guilt to the courts, but showed my disapproval of the deed"; cf. §31 *ita et senatus rem, non hominem notauit.* In line with C.'s stance that all violence between citizens is to be deprecated, even if it is not criminal and is sometimes necessary. *noto* means "register formal disapproval of" (*OLD* s.v. 3b); the verb is used of censures issued by an authoritative body (like the senate). The juxtaposition of the two parallel clauses in asyndeton, with alliteration, rhyme, and prose rhythm (cretic-trochee, then ditrochee), points the contrast between them. **per furiosum illum tribunum plebis:** Plancus again, this time referred to with *illum* (cf. §12 *huius ambusti tribuni plebis*); in fact Sallust, the future historian, also interposed his veto (see below; on Sallust, cf. §27n. *contionem turbulentam in qua eius furor desideratus est* and §29 *cum uxore*), but in this speech C. seems to have a particular vendetta against Plancus. (It is perhaps possible that C. had reconciled with the formerly hostile Sallust and Q. Pompeius Rufus: Asc. 37C; cf. §47n. *me uidelicet latronem* for what looks like continued hostility toward both.) On *furiosus*, see §3n. *P. Clodi furor.* The preposition *per* is commonly used with *licere* to indicate who is allowing (*OLD* s.v. *per* 9b). **quod sentiebat perficere:** a neat inversion of the earlier charge that it was C. who controlled the senate's opinions (§12 *senatum non quod sentiret sed quod ego uellem decernere*). **nouam quaestionem nullam haberemus:** *nullam* here is like an emphatic *non* (cf. §89 *hodie rem publicam nullam haberetis*; further H–S 205, Nägelsbach 1905: 350–1). The position of *nullam* after *quaestionem* is further emphatic, as adjectives of size and quantity typically precede the nouns they modify (cf. §38n. *cuius uis omnis haec semper fuit*); sim. §5 *spem ullam*, §9 *atqui si tempus est ullum*, §19 *atqui si ... certe*, §23 *controuersia nulla.* **decernebat:** on 27 Intercalaris (Asc. 44C), the day after Pompey had brought his laws *de ui* and *de ambitu* before the senate (Asc. 36C: see Introduction p. 13). The understood subject is *senatus*; C. implies broad senatorial consensus on this motion, which was derailed only by the illicit interventions of the Clodians (see below). The verb is in the imperfect because it explains what was in the process of happening when another event interrupted (*diuisa est sententia* below). From Asconius (44C) we know that the eminent Q. Hortensius was the author of the proposal (on Hortensius, see §37n. *hunc ipsum Q. Hortensium*). **ut ueteribus legibus, tantum modo extra ordinem, quaereretur** "that the inquiry be conducted in accordance with the established laws, only given special priority." *extra ordinem*, a common bit of legal language (*TLL* v.2.2056.71–2057.1), means that the case was to be taken "out of order," i.e. given priority on the docket. **diuisa sententia est** "the motion was divided." The Clodian strategy here is a two-pronged master stroke of parliamentary procedure. Hortensius seems to have

moved that (1) several acts (Clodius' death, the burning of the Curia, and the siege of M'. Lepidus' house) be decreed *contra rem publicam* and (2) the trial be conducted according to the established laws but given expedited treatment. While the Clodians were eager for the first point, they did not want to let Milo try his chances in the regular courts. And so they first arranged for a division of the motion: when a proposal embraced several points, any senator could call for a *diuisio*, requiring that each point be voted on separately. Both points passed, but Clodian tribunes interposed their veto against the second half of the divided proposal (see below), ensuring that only the point prejudicial to Milo would be decreed: see Asc. 43–5C and the clear explication of Morstein-Marx 2004: 114–16. (Schol. Bob. 117.15–17 interpret the division differently, claiming that the two parts of the proposal were that the case be tried [1] *extra ordinem* and [2] *ueteribus legibus*; the division then allowed the tribunes to veto the second measure; so too e.g. Gruen 1974: 234–5. But the scholia are probably a misinference from C.'s text, especially since Asconius tells us that only a *senatus consultum* declaring the acts *contra rem publicam* was passed [44C]. Regardless, the path was cleared for a trial under Pompey's new laws.) The tactic of bundling together more and less agreeable pieces of legislation into one package was of course used to try to pass the less agreeable items (cf. Schol. Bob. 117.10–12 St. *ut rebus aequis res improbae miscerentur atque ita blandimentis quibusdam obreperent ad optinenda ea quae, si per se singulariter proponerentur, displicere deberent*; Plancus' *contio* speech refers to Hortensius giving his opponents "a bit of honey" so that they would swallow their bitter medicine: Asc. 44C). So too modern "omnibus bills" and the still-current "divide the question" in *Robert's Rules of Order.* **postulante nescio quo** "at someone or other's demand." C. is deliberately vague on this rogue senator's identity: *nescio quis* is contemptuous (*OLD* s.v. *nescio* 6a); C. does of course know the man's name (he was there!), but chooses not to dignify it with mention. From Asconius (44–5C) we learn that it was Quintus Fufius (*RE* 10) Calenus (cos. 47), a man skilled in political and legal maneuvering (for his career, see *MRR* II.567). As tribune of the plebs in 61 BC he had contrived to secure Clodius' acquittal in the trial arising from the Bona Dea scandal by vetoing a bill that would have empaneled a special jury. On that occasion too he had been opposing Hortensius (*Att.* 1.14.1, 5–6, 1.16.1–2). While in Asconius he is referred to only as *Fufium* (44C, quoting Plancus' *contio*), Marshall 1985: 193–4 is too cautious in questioning the identification with Calenus: Q. Fufius Calenus was a well-known figure whose record fits with such a move. In 43 he would become one of C.'s staunchest opponents as one of Antony's strongest partisans in the senate. **nihil enim necesse est** "for it's not at all necessary" (*OLD* s.v. *nihil* 11). This use of *nihil* is emphatic

and colloquial, and with *necesse est* is found only here in C.'s speeches, although it is fairly common in his letters and philosophical writings (cf. e.g. *Att.* 2.20.5, *Leg.* 3.19, *Sen.* 30). **omnium me flagitia proferre** "that I expose everyone's shameful deeds." *flagitium* is an extremely strong term of opprobrium. The pronoun *me* cliticizes, as usual, on an adjective of size or quantity (*omnium*: Adams 1994b: 124–5); i.e., it does not artificially separate *omnium* from *flagitia.* **reliqua auctoritas senatus empta intercessione sublata est** "the rest of the senate's resolution was defeated by a bought veto," the second prong of the parliamentary maneuver. As a result of the division, only the first point of the proposal, declaring the various acts *contra rem publicam,* was decreed; the other point was vetoed. This is a technical use of the word *auctoritas* (*OLD* s.v. 4, Balsdon 1960: 43). *intercessio* is likewise a technical term for a veto (*OLD* s.v. 1), which in this case was interposed by the tribunes Plancus and Sallust (Asc. 44–5C). C. here further damns the intervention of the Clodian tribunes: they were not even motivated by ideology, just by money – although C. presents no evidence for this claim (and indeed seems deliberately vague in his whole presentation of these events). For the phrase, cf. *Red. Sen.* 29 *nemo erat emptus intercessor.*

Praeiudicium 3 (§§15–22)

Some claim that Pompey, by virtue of creating this special inquiry, has already condemned Milo. C. argues that Pompey's inquiry, inasmuch as the fact of the killing is universally admitted, is actually evidence that Pompey wants a full and impartial hearing of the defense. C. plainly has a tough row to hoe here, and in order to try to dispel this most difficult prejudice he presents a very tendentious version of the relationships among Clodius and Milo and Pompey in the preceding years. C. further claims that no special inquiry was necessary – none was held for the murders of Drusus or Scipio Aemilianus or other men better than Clodius – but that Pompey wanted to avoid any appearance of supporting Milo, lest the sincerity of his public reconciliation with Clodius and so his personal integrity be called into question (§21). No lies are told in the details, but taken together they present a picture that is almost certainly very false. Finally, C. praises L. Domitius Ahenobarbus and the other members of the jury. Even here C. is at pains to present a particular version of Ahenobarbus that elides some of his prominent but less attractive qualities.

15 At enim introduces an imagined objection (*OLD* s.v. *at* 4) that C. will proceed to refute. **rogatione sua** "by his bill" (*OLD* s.v. 3); on Pompey's laws, see Introduction p. 13. **et de re et de causa** "both on the act itself and on the legal issue." Cf. §14n. *crimen iudicio reseruaui, rem*

notaui, §31 *Pompeius de iure, non de facto quaestionem tulit*, *Caec.* 11 *multa enim, quae sunt in re, quia remota sunt a causa, praetermittam.* **tulit** "he proposed a measure" (*OLD* s.v. 28). **de caede quae in Appia uia facta esset, in qua P. Clodius occisus esset** "concerning the killing which took place on the Appian Way, in which [*sc.* killing] P. Clodius was cut down." C. here quotes the measure itself, hence the subjunctives, with the significant change *in qua* (cf. §12n. *caedem in qua*). The antecedent of *in qua* is *caede*, not *Appia uia.* **quid ergo tulit?** "What then did he propose?" C. here enters into a series of short, conversational sentences with himself to advance his argument by reasoning out loud, a figure known as *ratiocinatio* (*Rhet. Her.* 4.23–4); cf. §59. *quid ergo* (or *quid igitur*) is a fixed phrase that often introduces such *ratiocinatio* in C.; cf. §54 (further Seyffert 1878: 103–8). **nempe ut:** cf. §7n. *nempe in ea quae.* **quid porro** "what, moreover." *porro* is often used in a series of questions and/or when repeating a word in a new clause continuing the same argument (*TLL* x.1.2772.24–56, 2773.68–2774.64); cf. e.g. *Ver.* 3.118 *quid uero istae sibi quinquagesimae, quid porro nummorum accessiones uolunt?*; in this speech, cf. §25n. *eum porro.* **factumne sit?** "Whether it was done?" Compendious for *utrum factum sit necne* (sc. *quaerendum est*). **at paret** "But it's clear." *paret* in this sense, otherwise archaic, is a technical term of law (*OLD* s.v. 6, *TLL* x.1.373.37–78). This usage foxed the scribes of the medieval manuscript tradition (*apparet, at apparet, at patet*), but the correct reading is found in the Scholia Bobiensia and humanist MSS. **etiam in confessione facti iuris tamen defensionem suscipi posse** "even in cases where the deed is admitted, a defense under the law can still be undertaken." The chiastic word order sharply juxtaposes *facti* and *iuris.* **quod nisi uidisset, posse absolui eum qui fateretur** "if he hadn't seen that a man who confessed a deed could be acquitted." *quod* is probably the object of *uidisset*, pointing forward to the following accusative with infinitive. It is possible but less likely that *quod* is here adverbial (cf. §9n. *quod si*), in which case the comma after *uidisset* should be deleted. *eum qui fateretur* is a relative clause of characteristic and does not refer to Milo alone. **cum uideret nos fateri:** with *nos* C. stands with Milo; *hunc* (vel sim.) would put a slight distance between C. and his client. **tam hanc salutarem in iudicando litteram quam illam tristem** "just as much this letter by which in rendering judgment you can save my client as that dreadful one." In C.'s day Roman jurors were probably given a two-sided wax tablet with *A* (*absoluo*) on one side and *C* (*condemno*) on the other. They scratched out the verdict that they did *not* want – to abstain they could erase both sides, or verbally say *non liquet* (*Clu.* 76) – then deposited the tablet into an urn for counting. (There were three urns, segregated by social order, with one for senators, another for *equites*, and a third for *tribuni aerarii*; hence

Asc. 53C can report the vote totals by class.) For the details of the single tablet, see *Div. Caec.* 24, Greenidge 1901: 497, Crawford 1996: I.90–1 (*lex repetundarum* 49–52); for an almost contemporary image showing an urn and a tablet with *A* and *C*, see the denarius of Q. Cassius Longinus from 55 BC, *RRC* 428/1. In later times two tablets, one marked *A* and the other *C*, seem usually to have been distributed (implied by Suet. *Aug.* 33.2). For the courtroom euphemism in *tristis*, see *OLD* s.v. 5c. The phrasing with *tam* … *quam*, and especially *hanc* … *illam*, emphasizes that the salutary *A* is closer to C.'s heart. **mihi uero** "but to *me*," the personal pronoun in emphatic first position. **nihil grauius** "nothing on the condemnatory side." For *grauis* in the sense of an adverse verdict, cf. e.g. *Rhet. Her.* 4.51 *si de hoc, iudices, grauem sententiam tuleritis*, *Catil.* 1.16 *cum sis grauissimo iudicio taciturnitatis oppressus*, Asc. 29C *P. Triarius nullam grauem sententiam habuit; subscriptores eius M. et Q. Pacuuii fratres denas et L. Marius tres graues habuerunt*, Asc. 55C (sc. *M. Saufeius sententias*) *graues habuit XVIIII, absolutorias duas et XXX* (further *TLL* VI.2.2297.44–2298.8). The comparative here adds a note of vagueness (K–S II.475–6, H–S 168–9; cf. Engl. real estate argot "a *newer* kitchen"). **qui … is:** cf. §13n. *cuius* … *de eius.* **non poenam confessioni sed defēnsĭōnēm dĕdīt** "he gave not a punishment but rather the chance to mount a defense." *poenas* [plural] *dare* almost always means "to pay the penalty" (*OLD* s.v. *poena* 1b), but the idiom rarely occurs in the singular (*TLL* V.1.1665.41–4). For the sense "to assign a punishment," see e.g. Juv. 10.243–5 *haec data poena diu uiuentibus, ut* … | *perpetuo maerore et nigra ueste senescant*; cf. Cic. *Att.* 14.12.1. Sound-play between *confessioni* and *defensionem* helps bind together the *sententia*, which is punctuated by an alliterative double-cretic clausula. **is causam interitus quaerendam, non interitum putauit:** cf. §11n. *cum causa non telum quaereretur.*

16 Iam: here used "in a transition to a new topic" (*OLD* s.v. 8b). **illud, ipse [dicet profecto] quod sua sponte fecit, Publione Clodio tribuendum putauit an tempori?** "did he intend his action, which he himself took of his own accord, to be considered a tribute to Clodius or ascribed to the exigencies of the present circumstances?" The extensive fronting emphasizes C.'s incredulity, as does affixing *-ne* to *Publio.* In what follows C. argues that Pompey's *noua quaestio* cannot possibly be a sign of his esteem for Clodius: far better men than Clodius have died without special courts of inquiry being constituted, and Clodius' behavior was outrageous both generally and to Pompey specifically (§§16–20). Instead, C. claims, Pompey was acting to satisfy the unusual requirements of the present circumstances, as he spells out at §21 *ne uideretur infirmior fides reconciliatae gratiae* (see note). The transmitted text has Pompey himself speaking an indirect question (*ipse dicet profecto … putarit*). Although this has left critics

untroubled for 150 years, it would be distinctly odd: Pompey will not have the chance to "say" anything at the trial, and the jurors will decide on their verdict directly after C.'s speech. A gloss ("Cicero will explain," i.e., this is not just a rhetorical question) has perhaps intruded here, helped along by the fronting of *ipse* outside the relative clause, which then induced the trivial change of *putauit* to *putarit* to make the resulting sentence grammatical. (Future perfect *putarit* with "deductive modality" just might be defensible – as in Engl. "will he have thought?" – but Latin parallels are extremely rare; see Pinkster 2015: 471–2.) Alternative remedies are possible. Bob Morstein-Marx suggests (*per litt.*) reading *illud ipsum*, i.e., "what he did of his own accord [= setting up this special *quaestio*] will indicate whether he thought it should be ascribed to Publius Clodius or the present circumstances"; the suggestion had been made in J. Wagener and A. Wagener's second edition (and withdrawn in the third), and Edmund Hedicke's conjecture of *illud ipsum docet*, reported in A. Eberhard's third edition (and suppressed thereafter) is a similar attempt. While the corruption of *ipsum* to *ipse* would be trivial, especially in context, the resulting Latin seems strained: "that which he did of his own accord [subject] will say whether what he [new, unexpressed subject: Pompey, to be understood from the subordinate clause] intended it [object to be understood from the foregoing subject: what he did of his own accord] etc." Bob Kaster (also *per litt.*) suggests that, if these objections to the transmitted text are right, reading potential subjunctive *dicat* would be a more likely correction ("Pompey *would* say [*sc.* if given a chance to state his view]"); I think that a present potential subjunctive with *profecto* is unlikely (in cases like *Cael.* 1 the conditional is fully expressed). The solution adopted here builds on Lang 1864: 15–16. C. emphasizes that the special form of inquiry was Pompey's choice alone (*ipse* + *sua sponte*, *OLD* s.v. *spons* 2), not that of the senate (cf. §14 above). For *tempori* "circumstances," see §2n. *cederem tempori.* **domi suae** "in his home." A series of examples again introduced by a sentence in asyndeton; cf. §7. This catalogue too is varied, and hardly feels like a catalogue at all, but it continues until C. summarizes his conclusions on Pompey's motives in §21. The order of *exempla* is deliberately chosen, moving generally from past to present and from historical *exempla* to Clodius and Pompey and C. themselves; i.e., C. lays a foundation of agreed-upon instances from the past on top of which he erects a tendentious series of charges – masquerading as further neutral, agreed-upon *exempla* – that blacken Clodius' character. C. fronts the location of the murder here not just to emphasize the atrocity, but also to provide a pointed contrast with the prosecution's claims about the Appian Way (cf. §17). The genitive of a possessive pronoun is regular with the locative *domi* (G–L §411 R.4). **nobilissimus**

uir, senatus propugnator atque illis quidem temporibus paene patronus, ... M. Drusus: a series of appositives to the proper name, as usual in Latin. As tribune of the plebs in 91, Marcus Livius (*RE* 18) Drusus was a firm champion of senatorial prerogatives; he wanted in particular to restore control of criminal jury trials to the senate. To secure support for that aim, he proposed a variety of other legislation, including land redistributions and enfranchisement of the Italian allies. Although the *optimates* would have notionally benefited from the resulting concentration of power in the hands of the senators, nevertheless Drusus encountered fierce opposition from a variety of quarters, especially to the idea of diluting Roman citizenship by extending it to the allies. He was ultimately assassinated, leading to the Social War (91–88 BC). It also happens that Drusus built the house on the Palatine in which C. lived (Vell. 2.14.3). *propugnator* is first found in C.; for *senatus propugnator* ("lion of the senate"), cf. §39 *propugnator senatus. illis quidem temporibus* means roughly "in those troublesome times," with *quidem* contrasting that past with C.'s present; cf. more clearly *Off.* 3.111 *quod* [sc. *Regulus*] *rediit, nobis nunc mirabile uidetur, illis quidem temporibus aliter facere non potuit*, and generally Solodow 1978: 96–8 on "emphatic *quidem*" with implied contrast, which typically follows and emphasizes a pronoun. *patronus* is stronger than *propugnator*, perhaps implying almost a patron–client relationship, a metaphorical notion that C. softens by adding *paene*; the whole phrase is bound together by alliteration. **auunculus huius iudicis nostri, fortissimi uiri, M. Catonis:** Marcus Porcius (*RE* 20) Cato ("the Younger" or "Uticensis," 95–46 BC) was the son of Livia, Drusus' sister, and was in fact raised in Drusus' home after the early death of his parents (Plut. *Cat. min.* 1); C.'s first example thus has particular poignancy for this important member of the jury. Cato was a noted conservative who favored Stoic philosophy and old-fashioned Roman constitutionalism, and although he supported Pompey's sole consulship (Plut. *Cat. min.* 47.3–4, *Pomp.* 53.3–8), he would later choose death over an ignominious reprieve from Caesar in the civil wars. (Full biographies: Fehrle 1983, Drogula 2019.) C. is keen to emphasize that Cato is on his side (*huius ... nostri*), and although Cato's ultimate vote is uncertain, he gave every indication of supporting Milo (Asc. 53–4C; Vell. 2.47.5 claims he voted openly to acquit, and C. speaks of Cato's backing Milo in the senate at *Fam.* 15.4.12; further Morrell 2018: 166–75). It may surprise that the prosecution found five other senatorial jurors to reject rather than him (i.e., they allowed him to be one of the fifty-one jurors who voted on the verdict; see Introduction p. 13), but apparently advocates in trials at this time were afraid to reject Cato lest their case look weak: Plut. *Cat. min.* 48.5. For *fortissimi uiri*, see §1n. *pro fortissimo uiro.* **tribunus plebis** "while tribune of the plebs." This addition

increases the outrage: tribunes were supposed to be inviolable (*sacrosancti*; see Ogilvie ad Liv. 3.55.6–7). **nihil ... nulla:** emphatic anaphora with asyndeton. No special inquiry was set up into the much more outrageous killing of Drusus, C. claims, and so one is hardly necessary for Clodius. *nihil* is either "in no way" (adverbial; cf. §14n. *nihil enim necesse est*) or a retained accusative with *consultus*; cf. e.g. Liv. 22.45.5 *nihil consulto collegā.* HV[c] have *consultus est*, but *est* seems more likely to have been added by a scribe than to have been omitted, and the repetition is somewhat plodding in these brisk statements: cf. §23n. *et ii lecti iudices, isque praepositus quaestioni.* **quantum luctum fuisse in hac urbe a nostris patribus accepimus, cum:** "how much grief there was in the city, when ... we have heard from our forefathers." C. moves to his second example with a lively exclamation. *patres* "forefathers" is common (*OLD* s.v. 3), although the order *nostris patribus* is slightly unusual (*patres nostri* [including oblique forms] is standard). For *accepimus* "we have heard," see *OLD* s.v. 18; for the phrase, cf. *Phil.* 8.14 *nos a patribus num aliter accepimus?* **cum P. Africano domi suae quiescenti illa nocturna uis esset illata:** Publius Cornelius (*RE* 335) Scipio Aemilianus Africanus (185/4–129), the victorious general of the Third Punic War and the Numantine War, was a champion of the aristocracy and an opponent of Tiberius Gracchus (his own brother-in-law), approving of his murder (cf. §8) and in 129 maneuvering to neutralize his land commission. When he was then found dead of unexplained causes, there were rumors of murder (the evidence for his death is collected by Astin 1967: 241). From his role in C.'s various philosophical works, especially *De re publica*, it is clear that C. admired him greatly. C. here speaks as if Africanus was certainly murdered, in keeping with his immediate needs in this speech and with his theme of the conflict between *optimates* and *populares*, but elsewhere he is more circumspect (*Amic.* 12), and Laelius in his funeral oration for Africanus may even have referred to a natural death (*ORF*[4] 20 fr. 22, perhaps too corrupt to rely on). The enormity of the act is pointed up again by *domi suae* and the claim that Africanus was murdered in his sleep; for *uis illata*, cf. §9n. *cum ui uis illata defenditur.* **quis tum non ingemuit, quis non arsit dolore:** a typical Ciceronian doublet. *ardeo* + ablative "burn with" is common (*OLD* s.v. 5; better *TLL* 11.485.82–486.22); cf. e.g. *Att.* 9.6.4 *non angor sed ardeo dolore.* The verbs of feeling introduce the following indirect speech. **quem immortalem, si fieri posset, omnes esse cuperent** "the one whom, if it were possible, everyone would want to live forever." Another instance of fronting the relative clause before its antecedent (*eius*); cf. §13n. *cuius ... de eius. posset* is subjunctive in a contrary-to-fact condition, and that is probably the explanation for *cuperent* too (rather than simply a subordinate clause in indirect speech, which would weaken C.'s assertion). *fieri posse* is the

standard idiom for "to be possible" (*OLD* s.v. *posse* 1c, 6b). *immortalem* at the beginning of this clause is artfully contrasted with *mortem* at the sentence's end. Forms of *esse* regularly cliticize on adjectives of size and quantity, like *omnes* (Adams 1994b: 20), hence the word order here, which underscores the universal admiration of Africanus. **eius ne necessariam quidem exspectatam esse mortem:** lit. "that not even his natural death was waited for," i.e. that his life was cut short. *necessaria mors* is "death by natural causes," the death necessarily imposed by nature (*OLD* s.v. *necessarius* 5b). **num igitur:** common in C. (45x) to introduce a question expecting a negative answer. The *iunctura* is rare outside of C. (once apiece in Curtius and Apuleius and a handful of times in Quintilian and Gellius). The rhetorical question supplies the indignant conclusion to C.'s argument: in the much worse case of Africanus' murder, there was no special court of inquiry. **certe nulla** "Of course not!" C., as often, answers himself. *certe*, especially common as the first word of its clause, emphatically confirms a response to a yes/no question (*TLL* III.930.1–36).

17 quid ita? "Why?" Effectively a single word (so Donatus ad Ter. *An.* 371); used in direct questions without a verb in archaic Latin, then in C. (26x) and occasionally in Livy and elsewhere (H–S 458). **quia:** *quid ita?* is almost invariably answered by *quia*, not *quod* (the only exception is *Caec.* 41). General rules for the differences between *quia* and *quod* are hard to establish, and the words seem broadly synonymous (K–S II.383). Both are fossilized forms of pronouns (*quia* a neuter accusative plural < *quis*; *quod* neuter accusative singular < *qui*) that early developed the specialized sense "because"; *quia* appears to be the older form (strongly preferred by Plautus), *quod* more usual in classical prose (*quia* only once in Caesar), but in late Latin *quia* wins out (H–S 577). Although here *quia* is used in a fixed formula with *quid ita* (sim. in response to *cur* questions), elsewhere too C. has hundreds of instances of *quia*. He even pairs the two at e.g. *S. Rosc.* 145 *concedo et quod animus aequus est et quia necesse est, Orat.* 162, *Ac.* 2.105, *Fin.* 3.18, 55, 4.37. **non alio facinore clari homines, alio obscuri necantur** "it's not as if famous people are killed by one sort of misdeed, unknowns by another." *alius … alius* "one … a different" (*OLD* s.v. 2a) is a common way of structuring parallel clauses. *facinus* has its usual sense of "crime, misdeed" (*OLD* s.v. 2). *clarus* and *obscurus* are literally "bright" and "dim," and so come to be used of famous and undistinguished people (*OLD* s.vv. *clarus* 6, *obscurus* 5), but they also verge on technical terms for describing high- and low-born individuals: cf. e.g. Liv. 28.21.6 *neque obscuri generis homines sed clari illustresque.* C. will develop this latter sense in the following sentences. **intersit inter uitae dignitatem summorum atque infimorum** "granted that there is in life a difference in

distinction between the highest and the lowest." *intersit* is a jussive subjunctive in a concession (A–G §440, G–L §264). *uitae dignitas* refers broadly to esteem and rank; cf. Gel. 12.8.1 *P. Africanus superior et Tiberius Gracchus ... rerum gestarum magnitudine et honorum atque uitae dignitate illustres uiri*, Nep. *Alc.* 11, Tac. *Dial.* 13.3; for *dignitas* in C., see Piscitelli Carpino 1979. *summus* and *infimus* refer to social rank (*OLD* s.vv. *summus* 12, *infimus* 3b) and are commonly contrasted, e.g. *Planc.* 60 *honorum gradus summis hominibus et infimis sunt pares.* **mors quidem illata per scelus** "nevertheless death brought about by a crime," an instance of the *ab urbe condita* construction; the whole phrase is the subject (Laughton 1964: 91). *mors* contrasts with the foregoing *uitae*; *quidem* points the contrast and functions as an adversative with the preceding subjunctive verb (cf. Solodow 1978: 75–82). **isdem:** *īsdem* (not *iisdem* or *eisdem*) is the regular dative/ablative plural of *idem*, not only in MSS (whose authority in such matters is dubious) but also in ancient inscriptions: N–W II.394–6. The whole paradigm is founded on a misanalysis of *id-em* (neuter) as *ī-dem*, after which the invented *-dem* suffix spread by analogy (Weiss 342). **et poenis teneātŭr ēt lēgĭbūs** "let it be bound by the same punishments and laws" (*OLD* s.v. *teneo* 21). The word order both secures an elegant double cretic clausula and avoids the heroic clausula that would result from *teneatur* at the end of the sentence. *poenis* is placed before *legibus* not only for rhythmic purposes, but also to throw emphasis on *legibus*: C.'s point is always that no special inquiry was needed. **nisi forte:** used to put forward a ridiculous suggestion; cf. §8n. *nisi uero*, K–S II.416. **parricida** "parricide," here as usual used of murdering one's father, although the ancient etymology from *pater* or *parens* appears false (*OLD* s.v.; cf. §18n. *quae ... sanguine imbuta est*). **si qui ... necarit** "if someone kills"; future perfect in a future-more-vivid condition, with regular syncopation. The "rule" that *qui* is used adjectivally (e.g. *si qui deus*) and *quis* substantivally (*si quis*) is subject to so many exceptions, and the MSS show such variation, as to be little more than a vague tendency. Considerations of hiatus or following *-s* may have played some role; see Adams 2016: 49 (cf. e.g. *Rhet. Her.* 3.32 *si qui satis idoneos inuenire se non putabit*, avoiding *-s s-*?). Variation to avoid hiatus seems like the marginally better choice here: *si qui consularem ... si quis humilem* (ET, *si qui humilem* HV^{c}); cf. e.g. *Ver.* 4.9 *si qui Romae esset demortuus? immo, si quis ibidem*, *Par.* 1.12 *Brutum si qui roget, quid egerit in patria liberanda, si quis item reliquos ... socios.* Adjectival *quis* is found everywhere; for substantival *si qui* in C., see the collection of N–W II.438–9. On *qui* vs. *quis* more generally, see the conclusions of Löfstedt II.90–3 and Appendix II.ii in Nisbet on *Dom.*; earlier Madvig ad *Fin.* 1.26, advising to follow the most reliable manuscripts in a given case. **humilem:** regularly of a person's humble social status (*OLD* s.v.

3), e.g. *Ver.* 5.181 *humili atque obscuro loco natus.* **aut:** single *aut* gives the appearance of this clause being tacked on as an afterthought, when of course it is the very opposite. C. is concerned to refute the prosecution's notion that Clodius' death on the Via Appia that his ancestor built was particularly outrageous; here he first has equated it with an obviously ridiculous claim about differentiating parricides, which will lead into his pointing out a murder Clodius supposedly committed on the road. **eo ... quod** "for this reason ... because" (*eo* not with *atrocior*). **quod ... sit interfectus:** the subjunctive at least gives the impression that C. is quoting the prosecution's actual words, i.e. what *ab istis* [= the prosecution and the Clodians more generally] *saepe dicitur*, for *iste* = "my opponent," cf. §12n. *huius ambusti tribuni plebis.* **in monumentis maiorum suorum:** i.e. the Via Appia, which Clodius' ancestor Appius Claudius Caecus built. The plurals appear to be "rhetorical" (K–S I.87); *maiores* in the sense of "ancestors" has no singular (*OLD* s.v. 3b), and *monumenta* can be used with a singular referent as well (e.g. Tac. *Ann.* 4.7.2 *in monimentis Cn. Pompei*, "in the theater of Pompey"); the parallels in §18 and especially §37 (*istam Appiam, monumentum sui nominis*) seem decisively in favor of this interpretation. If this is thought an odd way to talk about a road, one must remember that C. is quoting the words of the prosecution, who were perhaps using elevated and emotional language to stir the jurors' outrage. The reference probably cannot be to grave markers of Clodius' ancestors lining the road: even if the *sepulcrum Claudiorum* at the base of the Capitoline was no longer in use (Suet. *Tib.* 1.1; cf. *NTDAR* 354, *LTUR* IV.279 [suggesting that it probably was still in use]), a great patrician family will not have buried their dead as far away as the thirteenth milestone on the Via Appia, where Clodius' villa may have been located (cf. §53n. *ante fundum Clodi*); Bovillae itself was some 11 miles (18 km) from Rome (see Map 1). On the cemetery lining the Via Appia Antica, see Toynbee 1971: 73; the tombstones were especially dense near the city: *NTDAR* 414. **proinde quasi** "as if" (*OLD* s.v. *proinde* 2b). A common Ciceronian collocation, in this speech found only paired with a foregoing *nisi forte* (also §§19, 84), adding a further ridiculous suggestion to an already ridiculous supposition. **Appius ille Caecus:** the famous (*ille*, *OLD* s.v. 4b) Appius Claudius (*RE* 91) Caecus (censor 312, cos. 307 and 296), Clodius' distant ancestor and, unlike Clodius, a pillar of old-fashioned morality. During his censorship, he commissioned the building of the Via Appia from Rome to Capua, as well as the Aqua Appia, Rome's first aqueduct. He recurs elsewhere in C. as a contrast to the degenerate Clodius (*In Clod. et Cur.* fr. 20, *Dom.* 105, *Har.* 38), and C. memorably conjures him up from the dead to issue a stern rebuke to Clodius' sister Clodia (*Cael.* 33–4 with Dyck). **uiam munierit:** *munio*, lit. "fortify," is regularly used of

constructing and repairing roads (*OLD* s.v. 6); cf. *Cael.* 34 ("Appius" to Clodia) *ideo uiam muniui ut eam tu alienis uiris comitata celebrares?* **non qua populus uteretur, sed ubi impune sui posteri latrocinarentur** "not for the use of the people, but for his descendants to practice highway robbery on with impunity," purpose clauses with verbs in secondary sequence dependent on *munierit*. The sarcastic contrast is pointed by parallel construction with slight *uariatio*. *impune* is commonly used in a negative sense of those who escape their just deserts (*OLD* s.v.). *latrocinor*, "act like a *latro*," is first found in Plautus in the older sense of "serve as a mercenary" (*latro* < Gk. *λάτρων; cf. λατρεύω "serve for pay," λατρεία "hired service"). C. is the first extant author to use it to mean "rob with violence," but this is the only sense found in classical Latin. From the *Catilinarians* onwards, C. calls his enemies *latrones* and their activities *latrocinium* (cf. e.g. *Catil.* 1.23 *exsulta impio latrocinio*, 2.16 *latrocinantem se interfici mallet quam exulem uiuere* with Dyck); see also §55 and the instances collected in Opelt 1965: 132–3, with discussion in Grünewald 1999: 105–8.

18 in eadem ista Appia uia: fronting the prepositional phrase emphasizes the location and secures continuity with the previous sentence. *ista* is used with second-person force to echo the prosecution's words with cutting emphasis, "that Appian Way of yours" (*OLD* s.v. *iste* 2). For the text (H omits *uia*), cf. §14n. *in uia Appia*; the omission is likely to be H's error, and *in eadem ista Appia uia* better points the parallel with §15 *in Appia uia*. **ornatissimum equitem Romanum ... M. Papirium:** the word order strongly emphasizes Papirius' rank; his name is postponed and seems at first of almost secondary importance. *ornat(issim)us* is used constantly as an honorific epithet (*TLL* IX.2.1032.47–84); cf. e.g. *Clu.* 198 *equitem Romanum omnium ornatissimum*. Clodius, by contrast, receives no description. Asconius provides the most detailed information on the event referred to here (47C): in 61 BC Pompey held a triumph for his success in the Third Mithridatic War, for which he had brought back to Rome Tigranes the Younger, the son of the king of Armenia (Tigranes the Great). He then entrusted Tigranes' care and custody to one L. Flavius (*RE* 17, *MRR* II.194, 564), who served as praetor in 58 BC. In the late spring of that year, Clodius, himself serving as tribune of the plebs, snatched Tigranes away from a dinner party to which he had invited Flavius, refused to return him, and eventually tried to put him on a ship out of Rome. (These events happened after Cato had left for Cyprus in April [*Dom.* 66] and before *Att.* 3.8.3, written at the end of May.) Because of a storm the ship had to put in at Antium, whence Tigranes was brought back to Rome by Sextus Cloelius (on whom see §33n. *Sexte Cloeli*). Flavius sent a party out from Rome to intercept Tigranes, whom they met some 4

miles (6.4 km) outside the city. The Flavians lost the ensuing battle, and M. Papirius, an associate of Pompey's, was killed. This *exemplum* is thus not only an instance of Clodius' wrongdoing on the Appian Way, i.e. the tale's ostensible purpose, but also one in which he acted as an enemy of Pompey's, and C. will return to it in §37. The story must have been well known to C.'s audience, since he does not need to explain it to them; cf. *Dom.* 66, *Att.* 3.8.3, and Schol. Bob. 118.24–119.3 St. (without mention of Papirius). The story is told slightly differently, again without explicit mention of Papirius, at Dio 38.30.1–2 (cf. briefly Plut. *Pomp.* 48.6). Little else is known of Papirius, but he is without doubt the man mentioned at *Dom.* 49 (an abortive trial for his death: *TLRR* 253), and some clever guesswork by Münzer (*RE* s.v. *Papirius* 63) yields the cognomen Maso on the basis of *Att.* 5.4.2 (see further Shackleton Bailey ad loc.). If that cognomen is wrong, cf. perhaps *IG* XII.2.88 (a catalogue of names from Mytilene) with one M. Παπείριος, M. υἱός, Κέλερ; the inscription may be late Republican in date (Cichorius 1922: 321–3), and if so this Παπείριος may be a Roman *negotiator* on Lesbos (Hatzfeld 1919: 90–5) and connected to our man. **non fuit illud facinus puniendum:** dripping with irony. *illud* refers to the event just mentioned, which is relatively remote in time from the current case (*nunc* just below), but it may also carry a sarcastic note of commendation ("that famous *facinus*"). In the past tense of a gerundive of obligation (i.e. a gerundive with *esse*), the perfect is much more common than the imperfect, representing perfect aspect ("this is what should have been done in the past, and the chance is over now"), on which see Pinkster 2015: 380–1, 444–5; cf. e.g. §19 *non fuit punienda* and *dolendum fuit.* **homo ... nobilis:** Clodius descended from a very noble family indeed, but the reference here may have special bite, since he arranged his own adoption into a plebeian family in order to become tribune of the plebs in 58 (see Introduction p. 3). The irony may be aided by the choice of *homo* rather than *uir* (cf. §25n. *ubi uidit homo ... uirum*). Somewhat surprisingly, there is no ancient definition of *nobilitas* (Burckhardt 1990: 77–8, summarizing and discussing the earlier arguments of Gelzer, Brunt, and Shackleton Bailey; further van der Blom 2010: 35, Berry ad *Sul.* 37), but everyone under the Republic called *nobilis* had ancestors who had held curule office, and most had consular ancestors. In any case, the contrast here with a more humble *eques Romanus* is clear. As an *eques* and *nouus homo* himself, C. may have been in an especially good position to make hay of a *nobilis* supposedly killing an *eques* with impunity; the example also appeals to the non-senatorial two thirds of the jury (on C.'s reliance on the *equites* in jury trials more generally, see Berry 2003). **in suis monumentis:** perhaps more cutting than *in suorum monumentis*; i.e., C. insinuates that Clodius is treating the Via Appia as his own personal

property, not just as the ancestral monument of his family. **equitem Romanum occiderat:** C. artfully closes his explanatory parenthesis by repeating key words; *occidere* thus occurs at the end of the sentence's first and last clauses, and *equitem Romanum* in the beginning of the first and at the end of the last. **nunc eiusdem Appiae nomen:** fronting this phrase again throws scornful emphasis on it, as does the abrupt asyndeton. **quantas tragoedias excitat!** "what histrionics it calls forth!" (*OLD* s.v. *tragoedia* c). For similar sarcasm, cf. *De orat.* 1.219 *neque ... istis tragoediis tuis ... perturbor,* 2.205 *si ... tragoedias agamus in nugis,* Quint. *Inst.* 6.1.36 *in paruis ... litibus has tragoedias mouere.* **quae cruentata ... caede ... sanguine imbuta est:** *quae* = *uia Appia.* The elaborate arrangement of this sentence underscores the contrast it posits between the two killings on the Appian Way. *cruentata* and *imbuta est* are placed chiastically first and last; *cruento* ("stain with blood," 11x in C. and rare elsewhere: *TLL* IV.1237.4–8) may carry a more nefarious connotation than *imbuo* (strictly speaking, "tinge" rather than "soak," a neutral word that can be used of any liquid: *TLL* VII.1.427.65–7), and *caedes* ("slaughter") is certainly stronger than mere *sanguis.* Cf. §37 *nece Papiri cruentauit.* The parallel arrangement of *honesti atque innocentis uiri* and *latronis et parricidae* further points the contrast. In *honesti atque innocentis* there is a slight additional emphasis on *innocentis,* "an honorable and, what's more, an innocent man," implying that it is particularly outrageous for an innocent man to be struck down (cf. *Ver.* 5.125 *honestissimi atque innocentissimi*). *parricida* here means "murderer" (*OLD* s.v. 2; cf. §17n. *parricida*); it is common in Ciceronian catalogues of criminals, where it often shades into the meaning "traitor" (*OLD* s.v. 3, Nisbet ad *Dom.* 26; so §86 *parricidae*): with *latro,* cf. *Catil.* 2.7 *quis latro, quis sicarius, quis parricida, Phil.* 4.5 *et latronem et parricidam patriae.* After *quae* there was evidently a lacuna in the archetype of CH; these witnesses return at §37 *(inter)fici.* **crebro usurpatur** "is constantly spoken of." *usurpo,* lit. "make use of," is employed especially of habitual word usage (*OLD* s.v. 5); cf. e.g. *Phil.* 2.70 *quam crebro usurpat "et consul et Antonius"!* **postea quam:** C. has a marked preference for this form over *postquam* (148/37; *postquam* only 11x in speeches); most other authors exhibit the opposite tendency: *TLL* X.2.39–62. **Sed quid ego illa commemoro?** "But why do I mention those things?" *quid* = why (*OLD* s.v. *quis*[1] 16). *sed quid ego* is a very common Ciceronian formula of transition (36x; cf. e.g. §44n. *sed quid ego argumentor*), often with *commemoro* (*TLL* III.1831.53–8). Cf. e.g. *Man.* 32 *sed quid ego longinqua commemoro?,* with a similar sense of moving from distant events to more relevant ones. In C. *commemoro* occurs 215x, *memoro* only 4x, but *memoro* probably cannot be termed simply poetic or archaic (further Oakley ad Liv. 6.9.3). **comprehensus est:** C. moves to another incident where Clodius' henchmen

had assaulted Pompey even more directly. Asconius again provides further detail in a slightly less dramatic telling (46C): on 11 August 58 BC, as Pompey entered the Senate House, a dagger slipped from the hand of one of Clodius' waiting slaves. The slave was taken to Aulus Gabinius (*RE* 2), one of the consuls, and it was claimed that Clodius had ordered the slave to assassinate Pompey. Pompey immediately returned home and remained there for the rest of the year. Other explicit references to the event are found at §37, *Sest.* 69 (with Kaster), *Dom.* 67, *Har.* 49, *Pis.* 28, Plut. *Pomp.* 49.2, Schol. Bob. 171.1–4, 172.2–8 St.; implicit nods at §73, *Red. Sen.* 5, 27, *Dom.* 110, 129, *Har.* 6, 58, *Pis.* 16. This is thus a favorite Ciceronian *exemplum*, with special relevance in Pompey's court; in this part of the speech it further helps imply that Pompey would have no interest in prejudging Milo in favor of Clodius. Pompey seems to have lived in constant fear of assassination; cf. e.g. §§65–6, *Red. Sen.* 29, *Sest.* 69, *Q. fr.* 2.3.3–4, Plut. *Pomp.* 3; more skeptically Marshall 1987a (cf. Seager 2002: 180). *comprehendo* is a technical term for seizing and arresting a person (*OLD* s.v. 5). Three consecutive short sentences begin with a vivid verb; there is a minimum of subordination and no conjunctions, lending liveliness to the narrative. On this "staccato style," see Nisbet ad *Pis.* 28 and Dyck ad *Catil.* 1.4; in this speech, cf. e.g. §22 *tulit ut*, §25 *occurrebat ei*, §26 *significauit hoc saepe in senatu*, §87 *polluerat ... putaret.* **in templo Castoris:** the temple of Castor (and Pollux) was one of the first monumental structures in the Forum (see Map 3), according to tradition built in the early fifth century BC after the Battle of Lake Regillus. It was rebuilt in 117 BC (and later AD 6, remains of which structure still stand), and often served as a meeting place for the senate in the late Republic (as here; cf. *Ver.* 2.129 *quo saepenumero senatus conuocatur*); see *NTDAR* 74–5, *LTUR* 1.242–5. Although the temple was dedicated to both the Dioscuri, it was called simply the *templum Castoris* (*TLL Onomasticon* II.243.9–25); see esp. Suet. *Jul.* 10.1 *euenisse sibi* [= *Bibulo*] *quod Polluci: ut enim geminis fratribus aedes in foro constituta tantum Castoris uocaretur, ita suam Caesarisque munificentiam unius Caesaris dici.* **quem ... collocarat:** cf. *Pis.* 28 *deprehensus denique cum ferro ad senatum is quem ad Cn. Pompeium interimendum collocatum fuisse constabat.* **extorta est ei confitenti sica de manibus** "as the dagger was wrenched from his hands he confessed." The point of the present participle in C.'s dramatic retelling is that the two events happened simultaneously. In addition to an accusative object, *extorqueo* typically takes a dative of a person (of "disadvantage"; *TLL* v.2.2039.72–3). C.'s language is almost formulaic: cf. e.g. *Catil.* 1.16 *quotiens iam tibi extorta est ista sica de manibus*, 2.2 *ei ferrum e manibus extorsimus*, Berry ad *Sul.* 28. A *sica* is the weapon *par excellence* of assassins (hence *sicarius*); see Dyck ad *Catil.* 1.16. **caruit foro postea Pompeius, caruit senatu, caruit publico**

"Pompey kept away from ..." (*OLD* s.v. *careo* 2c; cf. *Sest.* 63 *qui superiore anno senatu caruisset, Har.* 49 *carere publico*). A tricolon in asyndeton whose parts are bound together by anaphoric *caruit* in first position in each member. *foro* may refer to political appearances before the people, *senatu* to those in the senate, and *publico* to public presence in general. Pompey's name is shortened to *Pompeius* here after the foregoing *Cn. Pompeium*; on forms of his name, see §2n. *sed me recreat et reficit Cn. Pompei ... consilium.* **ianua se ac parietibus, non iure legum iudiciorumque texit** "he protected himself behind his door and his walls, not by the right of law and the courts." For the idea and phrasing, cf. *Red. Sen.* 4 *cum ego cessissem, princeps autem ciuitatis non legum praesidio sed parietum uitam suam tueretur, Vat.* 22 (of the consul Bibulus) *cumque non maiestate imperi, non iure legum, sed ianuae praesidio et parietum custodiis consulis uita tegeretur.* There is nothing picturesque about the placement of *se* between *ianua* and *parietibus*; this is simply the tendency of unstressed pronouns to cliticize on antithetical terms ("door ... not law"; Adams 1994b: 136–7). The plural *leges* commonly means "law"; cf. §9n. *gladium nobis ... ab ipsis porrigi legibus.* The addition of the near-synonym *iudiciorumque* both balances *ianua ... ac parietibus* and secures a ditrochaic clausula; the words are paired elsewhere at e.g. *Har.* 7 *arma iudiciorum atque legum, Cael.* 1 *ignarus legum, iudiciorum, consuetudinisque nostrae.*

19 num quae ... num quae: as in §16, C.'s indignant conclusion is introduced by a rhetorical question with *num.* The asyndetic anaphora underscores C.'s outrage (cf. §13n. *erant enim leges, erant quaestiones*). *num quae*, not *num qua*, is the regular form of the feminine nominative singular (N–W II.443–6). **atqui si res, si uir, si tempus ullum dignum fuit, certe:** on the form of the conditional, see §9n. *atqui si tempus est ullum ... certe.* The present instance includes a more elaborate rising tricolon, again pointing up C.'s anger. As in §9, the order *tempus ullum* is emphatic. The adjective *dignum* agrees in gender with its nearest antecedent, but goes with all three nouns (as usual: K–S I.48; further §14n. *cum inesset ... uis et insidiae*, §90n. *templum sanctitatis ... consili publici*, Lebreton 10). The following *haec*, by contrast, summarizing and embracing the foregoing items, is neuter plural. **haec in illa causa summa ōmnĭă fŭērūnt:** the order *summa omnia* is perhaps slightly unexpected: the sense is, "in that case, all of these things were present in the highest degree" (*OLD* s.v. *summus* 9), and so one might have written *haec omnia in illa causa summa fuerunt* – but *sūmmă fŭērūnt* would produce an undesirable hexameter ending while *summa ōmnĭă fŭērūnt* yields an *esse uideatur*–type clausula. For the idea, cf. *Man.* 36, of Pompey's good qualities: *summa enim sunt omnia.* **atque in uestibulo ipso senatus** "and what's more at the very threshold of the senate."

atque here has its full force of adding a more particular and emphatic piece of information. The *uestibulum* of the Senate House is the forecourt just outside its door, from which steps led down to the *comitium* (see Map 3); there non-senators might wait for members of the senate (see Oakley ad Liv. 6.26.3; cf. *LTUR* 1.331). **ei uiro autem** "for that (very) man, moreover." *ei uiro* is bound together as one unit, as the position of *autem* indicates; *ei* will be explained by the following relative clause (*OLD* s.v. *is* 2a). *autem* here is not adversative but simply adds more information (*OLD* s.v. 3). **cuius in uita nitebatur salus ciuitatis** "on whose life the well-being of the state depended." C. returns to the theme of *salus* yet again (cf. §1n. *magis de rei publicae salute quam de sua*). *uita* contrasts neatly with the foregoing *mors*. *nitor* usually takes the ablative without a preposition (*OLD* s.v. 4b), but sometimes *in* is added (e.g. *Div.* 2.55 *seruus ... in quo tota quaestio nitebatur*, K–S 1.399). **eo porro rei publicae tempore** "furthermore, at that moment of crisis for the Republic." The outrage continues to mount; *eo* is anaphoric with foregoing *ei*. *tempus* is frequently used of "dangerous or distressful circumstances," especially with a modifier (L&S I.B.2.a, a sense not adequately treated by the *OLD* s.v. 12; further K–S 1.357); cf. §16n. *nobilissimus uir ... illis quidem temporibus*. With *rei publicae* it is almost a Ciceronian formula; cf. e.g. *Ver.* 1 *summo rei publicae tempore*. **si unus ille occidisset ... gentes omnes concidissent** "if that one man had fallen ... the whole world would have fallen too." The pointed pairings of <u>unus</u> *ille*/ *gentes* <u>*omnes*</u> and *occidisset*/ *concidissent* accentuate the *sententia*. For a slightly different play on *occido*/ *concido*, cf. *Dom.* 96 *rem ... publicam concidere unius discessu quam omnium interitu occidere malui*. The hyperbole of *gentes omnes* (*OLD* s.v. *gens* 1b) is common in C., as is its opposition to the *ciuitas* (*Romana*): cf. e.g. §97 *semper populus Romanus, semper omnes gentes*, *Flac.* 2 *omnium ... salus ... non ciuium solum, uerum etiam gentium*. On the word order *non haec solum*, cf. §12n. *senatus non sententiis suis solum sed etiam studiis*. **nisi uero ... proinde quasi:** cf. §8n. *nisi uero*, §17n. *proinde quasi*. **quasi exitus rerum, non hominum consilia legibus uindicentur** "as if it were results [*OLD* s.v. *exitus* 5], not intentions [*OLD* s.v. *consilium* 5], that are punished by law." C. is not espousing the punishment of "thoughtcrime"; such punishment is in fact expressly forbidden under Roman law (*cogitationis poenam nemo patitur*, *Dig.* 48.19.18 [Ulpian]). He is instead referring to what modern legal scholars call "inchoate offenses," like attempted murder or conspiracy to commit murder, which require a step toward the target crime beyond mere contemplation. Roman law had this category too, included explicitly in the *lex Cornelia de sicariis et ueneficiis*: *Dig.* 48.8.1 pr. (Marcianus) *lege Cornelia ... tenetur ... quiue* <u>*hominis occidendi furtiue faciendi causa cum telo ambulauerit*</u>; cf. Paul. *Sent.* 5.23.3 *qui hominem occiderit, aliquando absoluitur, et qui non occidit, ut homicida damnatur: consilium enim uniuscuiusque, non factum puniendum est*.

ideoque qui, cum uellet occidere, id casu aliquo perpetrare non potuit, ut homicida punitur. C. is thus simply claiming that Clodius should have been punished for something like conspiracy to commit murder. Commentators here cite *Dig.* 48.8.1.3 (Marcianus, quoting a rescript of Hadrian), to which could be added *Tull.* 51, but these are not relevant to inchoate offenses, as they deal with considering the defendant's intent when an actual crime has been committed. *uindicentur* ("punish," *OLD* s.v. 5) is a strong word, better suited to C.'s context than something like *respiciantur.* **puniendum:** impersonal, in parallel with *dolendum*; cf. §9n. *quis est qui ... puniendum putet.* For the perfect *fuit,* cf. §18n. *non fuit illud facinus puniendum.* **nihilo minus** "nonetheless" (i.e. "less by none," with *nihilo* an ablative of degree of difference; cf. §23n. *quod quo facilius*). In sense there is little difference between *nihilo minus* and *tamen,* but it is here artfully placed in ring composition: *minus* is the first and last word of the sentence.

20 Quotiens ego ipse: C. moves to a new *exemplum*: himself, strongly emphasized by *ego ipse* (cf. §14 *ego ipse decreui*). He shows no hesitation about introducing his own example, lending his full consular authority to Milo's cause. Although C. implies that he was often (*quotiens*) the victim of Clodian violence, the documented instances are few: an assault on his house 3 November 57 BC, an attack on his person about a week later (11 November) on the Via Sacra (*Att.* 4.3.3), and perhaps a separate attack more recently near the Regia (§37 *longo interuallo conuersa rursus est* [sc. *sica*] *in me; nuper ... me ad Regiam paene confecit*). These latter two incidents may in fact be one and the same, since the Regia is on the Via Sacra (see Map 3; *NTDAR* 328–9, *LTUR* IV.189–92), but Asconius (48C), although he admits he cannot be sure about the specifics, thinks C. must be referring to something from 53 BC. What Asconius describes is remarkably similar to the attack in 57 (which he seems not to know about; he never shows knowledge of C.'s letters), and yet it would be bold for C. to describe this attack as one coming after a long interval (*longo interuallo*) and recent (*nuper*); see further §37n. *nuper quidem, ut scitis, me ad Regiam paene confecit.* In any case, C.'s *quotiens* is probably an overheated description of the riotous political atmosphere of the 50s BC more generally (for a catalogue of the known violence, see Lintott 1999b: 214–15); for a similar technique used against Catiline, cf. *Catil.* 1.15–16 *quotiens tu me designatum, quotiens uero consulem interficere conatus es ... quotiens iam tibi extorta est ista sica de manibus, quotiens excidit casu aliquo et elapsa est!* **iudices:** C.'s first direct address to the jurors since §11. This allows him to linger on *ego ipse,* drawing particular attention to his own example and perhaps signaling that the catalogue is coming to a close. **ex P. Clodi telis et ex cruentis eius manibus** "from the weapons of Publius Clodius and from his murderous

[*OLD* s.v. *cruentus* 3] marauders." Repetition of the preposition (cf. §10n. *si in uim et in tela*) and *Clodi* ... *eius* lend emphasis to the phrase. *manibus* may refer to Clodius' own blood-stained hands, as translators take it (cf. §43n. *cruentis manibus*), but a reference to Clodius' gangs (*OLD* s.v. *manus* 22b) better fits the historical context, and is certain at the parallel *Dom.* 108 *ciuis est nemo tanto in populo, extra contaminatam illam et <u>cruentam P. Clodi manum</u>, qui rem ullam de meis bonis attigerit, qui non pro suis opibus in illa tempestate me defenderit.* **ex quibus si me non:** as usual, the prepositional phrase with the relative pronoun is fronted, and the conjunction *si* shifts to second position (cf. §2n. *quae si opposita Miloni putarem*). *me* here is probably not cliticizing on *si*, which carries no focus, but rather is focused itself as a stressed pronoun (cf. e.g. *hoc* in *Att.* 7.3.10 *sed quoniam grammaticus es, si hoc mihi zetema persolueris, magna me molestia liberaris*, §21n. *sibi*). In strict Latinity, *nisi* is used to restrict an apodosis that is generally true to a single case when it is not: "you lose your memory *unless* you use it" (*Sen.* 21 *memoria minuitur ... nisi eam exerceas*; cf. e.g. §89), i.e., this is the generally true course of human events. *si* (...) *non*, by contrast, makes no claim about the general validity of the apodosis. The latter is the case here, hence *si non*: C. is specifically focused on the hypothetical scenario in which he dies; otherwise the situation does not arise, and so there is no general truth to be excepted. *si non* can also be used to negate single words and in concessive clauses (cf. §§32, 93). Admittedly some of these fine distinctions verge on figments of the grammarian's imagination, as grammarians themselves concede (A–G §525a, G–L §591, K–S II.411–13, H–S 667). **uel mea uel rei publicae fortuna** "either my good fortune or that of the republic." *uel* ... *uel* leaves the choice to the audience of the speech, allowing C. some cloak of modesty to cover his boastful claim that his survival was a stroke of luck for the state. *rei publicae fortuna* is common (cf. e.g. *Sul.* 62, *Sest.* 17, *Phil.* 5.29); C. returns to the theme at §83 *Fortuna populi Romani* (cf. note ad loc. and §3n. *uirtuti Milonis*). **quis tandem** "who ever?" (*OLD* s.v. *tandem* 1b, "expressing a strong sense of protest or impatience"); cf. §7n. *in qua tandem urbe.* **sed stulti sumus qui ... audeamus:** a sarcastic summary and conclusion, as C. recalls the various *exempla* of the preceding paragraphs. *nosmet ipsos* provides an especially indignant conclusion; in C. *nosmet* is almost invariably combined with *ipsi/ipsos* (one exception: *Fin.* 1.56), although in earlier Latin and in other authors it often stands alone. C. also much prefers this "royal we" to *memet*, which is used almost exclusively to pair with other pronouns (cf. e.g. *Sul.* 35 *mihi de memet ipso tam multa dicendi necessitas quaedam imposita est*). *conferre* is "to compare" (*OLD* s.v. 14); *audeamus* subjunctive in a relative clause of characteristic. **tolerabilia fuerunt illa:** more biting sarcasm; the first in a series of short, simple sentences in asyndeton. *illa*

refers to "those (distant)" events as opposed to the immediate circumstance of Clodius' death, with which they are sharply juxtaposed. **aequo animo ferre** "to endure with equanimity" (*OLD* s.vv. *aequus* 8, *fero* 20b). **luget senatus ... desiderant:** a long and artfully arranged sentence, with two main movements: (1) *luget ... confecta senio est* (referring to people) and (2) *squalent ... desiderant* (referring to places). These two parts each constitute a tricolon in which the first two members show parallel word order and the third chiastic (*luget senatus, maeret equester ordo, tota ciuitas confecta senio est*); such an arrangement is common, and its last element receives particular emphasis (K–S II.622, Nägelsbach 1905: 682, Lausberg §§675, 746; cf. §62n. *facti rationem, praesentiam animi, defensionis constantiam*, §93n. *tranquilla re publica ... perfruantur*, §95n. *negat ... negat ... non negat*). The second tricolon further contains a tricolon of its own (*tam beneficum* etc.). The progression is from the most exalted (the senate) to the least (the very fields), encompassing the entire Roman world. The grandiose arrangement, including asyndeton and the mock culmination (*denique*) in "fields," piquantly points up the sarcasm; the tricolon describing Clodius (*beneficum* etc.) is likewise mordantly ironic. This may pointedly rephrase Clodius' series of jabs at C. quoted in *Dom.* 4. **luget ... maeret:** cf. §13n. *maerorem ac luctum* for the same ironic juxtaposition and C.'s philosophical distinction between the terms. **senatus ... equester ordo, tota ciuitas:** a neat way to refer to all classes of Roman society and valorize the *senatores* and *equites*, the key members of the jury (cf. §4n. *amplissimorum ordinum delectis uiris*), while not impugning the lower classes. *ciuitas* marks a transition from people to places; the word means both a city and its citizens (*OLD* s.v. 1–3). **confecta senio est** "is consumed by sorrow" (*OLD* s.vv. *conficio* 13–14, *senium* 3). Cf. *Tusc.* 3.27 (of Tarquinius Superbus) *senio et aegritudine ... confectus*; already Enn. *Ann.* 523 Sk. *equus ... senio confectus.* Although *senium* is properly "old age," its concomitant decrepitude early led to a metaphorical meaning of "gloom": cf. Pac. *trag.* 203 Schierl (= 301 Ribbeck) *metus egestas, maeror senium, exiliumque et senectus*, Liv. 40.54.1 *Philippus ... senio et maerore consumptus post mortem filii.* **squalent municipia** "the towns of Italy are in mourning," as Berry translates. *squaleo* literally means "be caked or crusted with dirt ... to be dirty or unkempt" (*OLD* s.v. 2), but such a state is a sign of mourning: cf. e.g. *Sest.* 32 *erat ... in luctu senatus, squalebat ciuitas publico consilio ueste mutata.* Originally a *municipium* was an Italian town incorporated into the Roman state, with or without the vote, that was expected to perform certain duties, especially military assistance (*municipium* < *munia* + *capere*), while retaining self-government. After the Social War full citizenship was granted to virtually all of Italy south of the Po (details in Brunt 1988: 132–6), at which point all communities in Italy that were not *coloniae* (see

below) were designated *municipia* for administrative purposes. In essence then C. is referring to the towns of Italy, but his slightly technical language in this enumeration underscores the ironic notion that absolutely everyone mourned Clodius' death. **afflictantur coloniae** "the colonies are stricken" (*sc.* with grief). *coloniae* were settlements founded by the Romans in conquered territory (including, from the abortive resettlement of Carthage in 122 BC, territory outside Italy). Originally these served a defensive purpose, but by C.'s day they were used as a way to provide land for military veterans or other landless Romans. The terms *municipium* and *colonia* are constantly combined to refer to all the Roman world outside Rome (sometimes with a third administrative unit, the *praefectura*); see Kaster ad *Sest.* 32, *TLL* VIII.1649.8. *afflicto* can be used of "beating the breast (in mourning)" (*OLD* s.v. 2), e.g. Sal. *Cat.* 31.3; cf. *Tusc.* 4.18 *afflictatio* [sc. *est*] *aegritudo cum uexatione corporis.* **agri denique ipsi** "indeed the very fields." The amusing finale of C.'s ironic enumeration of aggrieved parties. *denique* is used to conclude a series (usually, as here, whose individual members are in asyndeton); when it refers to a single word (here *agri*) it is almost invariably placed after that word: cf. §§4, 50, 68, 90, *TLL* V.1.529.13–530.67. For the personification of the fields, cf. e.g. *Ver.* 3.47 *ut ager ipse cultorem desiderare ac lugere dominum uideretur*, 3.120 *centum et unum aratores unus ager istius iniuria desiderat*, *Agr.* 2.9 *etiam tecta atque agri mihi laetari uidentur*, *Planc.* 20 *quorum honoribus agri ipsi prope dicam montesque fauerunt.* **tam beneficum, tam salutarem, tam mansuetum ciuem:** another tricolon, again laying on the irony with a trowel. The first two adjectives are in fact the very picture that C. has throughout been painting of Milo; *mansuetus* refers originally to tame animals (*OLD* s.v. 1) and so carries an extra shade of archness here. Cf. §32n. *in illa quidem tam audaci, tam nefaria belua.*

21 Non fuit ea causa, iudices, profecto non fuit cur "that wasn't the reason, members of the jury, of course that wasn't the reason why." An abrupt departure from the foregoing irony as C. concludes with a "straight" explanation. For the form, cf. *S. Rosc.* 121 *non ita est profecto, iudices; non est ueri simile ...*, *Flac.* 53 *non est ita, iudices, non est profecto*, §69 *erit, erit illud profecto tempus.* The stricture of Madvig 1887: 108 and Clark ad loc. that *profecto* goes with the first clause, otherwise the anaphora is destroyed, does not seem correct: cf. Madvig's own observation elsewhere (1887: 366) that in Latin one does not say *certe, certe non fuit*, but rather *non fuit, certe non fuit.* The adverb only intensifies the repetition. If C. had wanted *profecto* to go with the first member, he would not have placed it awkwardly after *iudices*, which tends to end a colon (*iūdĭcēs prŏfēctō* would also create an unusual triple trochaic clausula). Thus, against most editors, there should be no comma after *profecto.* The *geminatio* of *non fuit* is a frequent

rhetorical figure, on which see Parzinger 1911: 58–68, Wernicke 1912, Wölfflin 1933: 294, Wills 1996: 103, Lausberg §§616–18; in this speech, cf. e.g. §§13, 33, 37, 67, 69, 72, 80, 84, 85, 91, 93, 94. *causa ... cur* is very common: *TLL* III.677.3–31. **sibi:** dative of agent with the gerundive *ferendam*; the prominent position of the pronoun shows that it is focused (cf. §20n. *ex quibus si me non*). **diuina quadam mente praeditus** "endowed with an almost divine intellect." As often, the line between sincerity and irony in panegyric is blurry, and such words might be read differently in the published version of the speech. For the sentiment, cf. e.g. *Agr.* 2.90 *homines diuina mente ... praeditos.* Using forms of *quidam* to soften a metaphor is extremely common (*OLD* s.v. 3b, K–S I.643, §11n. *quodam modo*) and almost a Ciceronian reflex with *diuinus*; cf. e.g. §44 *diuina quaedam sors, Phil.* 3.3 *Caesar adulescens, paene potius puer, incredibili ac diuina quadam mente atque uirtute* (on softening *quidam*, see further §101n. *est quodam incredibili robore animi*). The word *praeditus* is used especially with non-physical attributes, usually good ones. It probably does not derive from *prae* + *dare*, although the Romans themselves made that association: see Leumann 527 for a different etymology deriving from "placed in charge of" (another meaning of *praeditus*, seemingly taken as secondary by the *OLD*). C. had likewise flirted with Pompey's near-divinity in 66 BC in *Man.* (cf. e.g. *Man.* 36 *est haec diuina atque incredibilis uirtus imperatoris*), on which see Cole 2013: 34–48. **fuisse illum sibi inimicum** "that Clodius had been his enemy." *inimicus* is a personal, especially political, enemy (*OLD* s.v. 2; cf. §39n. *octo tribuni plebei illius aduersarii, defensores mei*). C.'s claim is tendentious but strictly speaking true, and he has set it up well in the foregoing *exempla.* The relationship between Pompey and Clodius is complex, but until 58 there was at any rate no open hostility between the two. Clodius had served under Pompey's command, probably against the Mediterranean pirates in 67 (Tatum 1999: 50 with n. 99), and later Pompey even sought his friendship (Plut. *Pomp.* 46.4, *Cat. min.* 31.2). For some reason, however, Clodius turned against Pompey in 58 – and this after Pompey had acquiesced in Clodius' driving C. into exile (Tatum 1999: 166–8, Seager 2002: 103–4, 179–80). He attacked Pompey's "Eastern settlement," i.e. his disposition of affairs from Judaea/Syria to Bithynia-Pontus after his victory over King Mithridates (Seager 2002: 53–62, Rising 2013). He kidnapped the young Tigranes (cf. §18n. *ornatissimum equitem Romanum ... M. Papirium*), leading to bloodshed on the Appian Way and an apparently irreparable rift between the two. There followed both overt and covert struggles, and Pompey began working behind the scenes to secure C.'s recall from exile. In February 56, when Clodius prosecuted Milo *de ui*, Pompey spoke for the defense, and Clodius led a chorus of claqueurs in chants against him (*Q. fr.* 2.3.2, Plut. *Pomp.*

48.7). But in mid April came the conference at Luca, when the arrangements between Caesar, Pompey, and Crassus were renewed (on which see Luibheid 1970, Ward 1980), and Clodius and Pompey buried the hatchet: Pompey's son married the daughter of Clodius' brother Appius, Clodius gave a speech seeking Pompey's friendship, and the two were reconciled (cf. already *Har.* 51, a speech probably given in May 56) – at least publicly (Seager 2002: 120 questions the sincerity of the reconciliation). There were no further hostilities between them, and so while it is true that Clodius *had* been Pompey's enemy, in the hurly burly of late Republican politics, that was a long time ago by 52 BC (cf. too §88n. *nouo reditu in gratiam sibi deuinctum arbitrabatur*). For a narrative of these events from Clodius' perspective, see Tatum 1999: 150–213; from Pompey's, Seager 2002: 101–32. **familiarem Milonem:** again, Milo had once been Pompey's client, but those days had passed. Nothing is known of Milo's career before he held the tribunate in 57 BC. In that year he promoted the recall of C. from exile and opposed Clodius at every turn, thus becoming Pompey's ally (cf. the previous note; Pompey may even have promised Milo support for an eventual consular campaign: App. *BC* 2.16). Even when Clodius and Pompey were reconciled after Luca, Milo's friendship with Pompey seems for a time to have remained intact. Pompey supported his bid for the praetorship in 55 (§68), and in that year too they developed a connection by marriage: Milo married Fausta (daughter of the dictator Sulla); her twin brother, Faustus Sulla, was married to Pompey's daughter, Pompeia. But by October of 54, trouble was brewing (*Q. fr.* 3.2.2 *nolo cum Pompeio pugnare (satis est quod instat de Milone)*), and within a month Pompey had thrown him over completely (*Q. fr.* 3.6.6). With all the consular candidates on trial for bribery, the prospect of Pompey's dictatorship loomed, which Milo opposed. In 53 Pompey certainly supported Hypsaeus (his former quaestor) and presumably Scipio (his soon-to-be father-in-law) for the consulship over Milo's candidacy (on Hypsaeus and Scipio, see §32n. *ut iis consulibus praetor esset*). After Clodius' death, Milo tried to visit Pompey and was summarily rebuffed (Asc. 35C, 51C), and Pompey supposedly feared that Milo would make an attempt on his life (Asc. 38C, 51C; these "fears" may be feigned: Marshall 1987a: 128–32). Indeed this entire section of the speech presupposes that Pompey's hostility to Milo and his case was in the air: at this point Milo was no longer Pompey's *familiaris.* (It is hard to see any particular reason that C. chose *familiarem* instead of, say, *amicum*: perhaps he simply wanted to avoid a jingle with the preceding *inimicum.*) **in communi omnium laetitia ... gauderet:** at *Tusc.* 4.13 C. distinguishes *laetitia* ("unbridled joy," the stronger word) from *gaudium* ("rational joy"), hence 4.66: *gaudere decet, laetari non decet* (further *TLL* VII.2.875.60–74). Such a neat distinction

breaks down in practice, but it suits the present passage well. Cf. *Phil.* 2.21 (of Clodius' death) *in tanta laetitia cunctae ciuitatis.* The word *communis* is constantly combined with *omnis* (*TLL* III.1974.29–40), e.g. §78 *communis erat omnium ille hostis.* **timuit:** a slight break in the construction. The earlier *multa uidit* governs not only *fuisse ... Milonem,* but also the subjunctive of the conditional protasis (i.e., "he saw that if he rejoiced," a future-less-vivid [or "ideal"] condition). The "expected" apodosis would thus be some kind of periphrastic (*fore ut uideretur, NLS* §§32, 280), but such expressions are somewhat cumbersome. C. chooses instead to change the construction; the effect is something like: "he saw that if he rejoiced – well, he was afraid that ..." **ne uideretur infirmior fides reconciliatae gratiae** "that the credibility of his reconciliation (with Clodius) would appear rather shaky." On this reconciliation in 56 BC, see the note on *fuisse illum sibi inimicum* just above. C. says that because Clodius had recently appeared in public as Pompey's friend, and because Clodius had once been his enemy (cf. §§18–19), Pompey's hands were tied: he could not act in accordance with his "true" feelings without casting doubt on his pesonal integrity. He is thus forced to create this special *quaestio* because of these special circumstances, not because of Clodius himself (cf. §16 *Publione Clodio ... an tempori*). *reconciliare gratiam* ("to restore goodwill," *OLD* s.v. *reconcilio* 2) is common; cf. *Har.* 51 *significat* [sc. *Clodius*] ... *reconciliationem esse gratiae factam. infirmus* means "lacking in authority, effectiveness" (*OLD* s.v. 5); cf. e.g. the use of *infirmo* at *Q. Rosc.* 45 *eius testis ad iudicem fidem infirmabit. gratiae* is an objective genitive. **multa etiam alia uidit:** anaphora provides the connection between this sentence and the last. **sed illud maxime** "but this above all." *illud* points forward to the accusative with infinitive. **quamuis atrociter ipse tulisset** "no matter how harsh the law that he himself proposed [*OLD* s.v. *fero* 28]," contrasting sharply with *uos tamen fortiter* as C. segues into flattery of the jury. *quamuis* is derived from *quam* + *uis* ("to any degree you like," *OLD* s.v. 1), and in archaic Latin is found with the subjunctive only four times (always in primary sequence, as one would expect). In C., however, the word has been grammaticalized into the conjunction "although" and can take any tense of the subjunctive (here the pluperfect in a subordinate clause in indirect discourse): K–S II.442, H–S 603–4. (Grammaticalization is the process by which originally independent lexical items become grammatical markers; cf. e.g. Engl. "let's" < "let us" in the phrase "let's go home.") This usage is avoided by Caesar, Sallust, and Livy; and later authors prefer the indicative. *quamuis* as a conjunction is not found in C.'s speeches from 69 until 54 BC (cf. von Albrecht 2003: 32). **delegit ex florentissimis ordinibus ipsa lumina:** more flattery. On the composition of the jury (and earlier flattery), cf. §4n. *amplissimorum ordinum delectis uiris.* C. likes the

metaphor in *florens* ("illustrious, brilliant," *OLD* s.v. 3; Nägelsbach 1905: 553–4); cf. e.g. *Quinct.* 7 *homines ... fortissimos, florentissimos nostrae ciuitatis.* Since *floreo* can also carry connotations of brightness (*OLD* s.v. 2), it is fittingly paired with *lumen*, another common metaphor in C. ("conspicuous for excellence," *OLD* s.v. 11); cf. §37 *Q. Hortensium, lumen et ornamentum rei publicae* and §33 *lumen curiae* (with a pun). For the two words combined, see *De orat.* 3.166 *modus ... nullus est florentior in singulis uerbis neque qui plus luminis afferat orationi*, Lucr. 4.450 *bina lucernarum florentia lumina flammis.* **neque uero** "nor indeed" (*OLD* s.v. *neque* 9b); *uero* is not adversative but lends emphasis (K–S II.43). **quod non nulli dictitant** "as some people claim." The frequentative *dictito* ("persist in saying," *OLD* s.v. 1) can imply that whatever is being said is false; cf. §67 *ut non nulli conquisitores tui dictitarunt.* **secreuit** "set aside (as unfit)" (*OLD* s.v. 2b). **in iudicibus legendis** "in choosing members of the jury" (*OLD* s.v. *lego* 6). *in* + gerund(ive) is common for "in the process of doing something" (A–G §507, G–L §433) and in sense can verge on a present participle. **neque enim** "for neither"; cf. §2n. *nec enim.* **hoc** = "setting aside my friends," i.e. the antecedent is the whole previous clause (so too *id* below). **in bonis uiris legendis:** the *iudices* of the foregoing phrase have become *uiri boni* here, both flattering the jury and emphasizing that C. and his friends are firmly in the camp of the *boni.* **assequi** "achieve" (*OLD* s.v. 3); cf. §§32, 81. **etiam si cupisset** "even if he had desired (to do so)." *cupio* tends to indicate a passionate desire (cf. *cupidus*), whereas *uolo* refers to an act of will (cf. *uoluntas*) and *opto* a choice; cf. Ov. *Pont.* 3.1.35 *uelle parum est: cupias ut re potiaris oportet*, Sen. *Ep.* 116.1 *cum tibi cupere interdixero, uelle permittam*, 95.2 *saepe aliud uolumus, aliud optamus*, *TLL* IV.1429.40–5. **gratia** "influence," with positive connotations; cf. §12n. *non nulla apud bonos gratia.* **familiaritatibus** "close friendships," a word used more than 100x by C. but relatively rare elsewhere. **late patere** "extend widely," a very common *iunctura* (*OLD* s.v. *pateo* 7d, *TLL* X.1.666.54–71). **propterea quod consuetudines uictus non possunt esse cum multis** "because there cannot be familiar intercourse with many people." This somewhat plodding explanation could be an intrusive gloss, and it contains at least one suspicious feature besides banality: the plural *consuetudines uictus* is unparalleled, while the singular *consuetudo uictus* is exceedingly common (*OLD* s.v. *consuetudo* 5, *TLL* IV.553.75–554.7; cf. Lebreton 33–4 for other unexpected plurals in C.). Moreover, the foregoing clause is not only complete in itself, but also ends with a cretic-trochaic clausula. But for the plural, cf. *Fin.* 1.69 *primos congressus copulationesque et consuetudinum instituendarum uoluntates fieri propter uoluptatem*; furthermore, *ēssĕ cūm mūltīs* is itself a cretic-trochaic clausula. *propterea quod* is unimpeachably Ciceronian, although more common in the

earlier speeches and in fact not found in a speech after this instance (Wölfflin 1933: 107). On balance the phrase should probably be retained. **si quid possumus** "if we have any influence" (*OLD* s.v. *possum* 7a, *TLL* x.2.148.56–149.22); cf. e.g. *Q. fr.* 2.14.4 *plus unus Cato potuerit quam omnes leges omnesque iudices.* When *possum* is used without a prolative infinitive, it is almost always accompanied by an internal object, usually a neuter pronoun or adjective. The plural refers primarily to C., but perhaps also implies a general truth. **quod res publica nos coniunxit cum bonis** "because the interests of the state have joined us with the *boni*" (*OLD* s.v. *res publica* 2). C. insistently continues to align himself with the *boni* and against the *improbi*; cf. §5n. *pro bonis contra improbos.* **ex quibus ille cum:** the connective relative phrase is placed first, as usual (cf. §2n. *quae si opposita Miloni putarem*), and then *ille* (= Pompey) is likewise fronted before *cum.* **optimos uiros:** still more flattery of the jurors, who were first *iudices*, then *boni* ("good citizens"), and now *optimi.* Landgraf ad *S. Rosc.* 23 notes that *optimus uir* is invariably sincere praise, while *uir optimus* is often ironic; conversely, *bonus* placed before its noun can be ironic (especially in the vocative), while *uir bonus* is sincere. **idque maxime ad fidem suam pertinere arbitraretur** "and he reckoned that this was extremely important for his own credibility," i.e. the credibility of his public reconciliation with Clodius and of his special inquiry (cf. *ne uideretur infirmior fides* with note just above). *suam* is equivalent to an objective genitive, "people's trust in him" (A–G §348a, G–L §304.2n). For *idque*, cf. §25n. *idque.* **studiosos mei** "men well disposed toward me." *studiosus* is used both of personal and political attachments (*OLD* s.v. 3; cf. §4n. *sua studia erga*), and here both are perhaps felt. C. implies that all the *boni* (and certainly the *optimi*) are on his side.

22 Quod uero "moreover, as to the fact that" (*OLD* s.vv. *quod* 6, *uero* 6). A Ciceronian formula of transition to a further argument, found sparingly in other authors until the *Digest.* C. turns to flattery of the presiding magistrate. **L. Domiti:** Lucius Domitius (*RE* 27) Ahenobarbus (cos. 54 BC) was a staunch partisan of the *optimates*, married to Cato's sister Porcia and a backer of his politics. His noble bloodline marked him out for the consulship from birth (*Att.* 4.8a.2 *tot annos quot habet designatus consul*), and already in 70 BC he was earning C.'s high praise (*Ver.* 1.139 *tantus in adulescente clarissimo ac principe iuuentutis pudor fuit*; later *Vat.* 25). In the early fifties he opposed the triumvirate at every turn, famously threatening to replace Caesar in Gaul. He likewise locked horns repeatedly with Pompey, who had killed his brother in 81 while fighting for Sulla (Plut. *Pomp.* 12; an execution carried out on Pompey's express order according to Val. Max. 6.2.8). The enmity was strong enough for him to be

implicated in the so-called Vettius affair, a supposed plot to assassinate Pompey (*Att.* 2.24 with Shackleton Bailey). These conflicts continued into his consulship in 54, but from this trial on Ahenobarbus aligned himself with Pompey, and he eventually died at Pharsalus. At the time of Milo's trial he still stank of the scandal of the consular elections held in 54, in which the candidates Cn. Domitius Calvinus and C. Memmius agreed to help Ahenobarbus and his consular colleague Ap. Claudius Pulcher secure their desired proconsular provinces in return for assistance with the election: this left Ahenobarbus, at least temporarily, a ruined man (*Att.* 4.17.2; discussion in Gruen 1969, Gruen 1974: 331–7, Morrell 2014; cf. §24n. *ita tracta esse comitia anno superiore*). Pompey presumably would not have wanted him in charge of the trial unless he had regained some of his former status, but C.'s full-throated praise in the following sentences seems more than a little rich. For a biography of Ahenobarbus in the context of his illustrious family, see Carlsen 2006: 53–68. **nihil quaesiuit aliud nisi** "he sought nothing else but" (*OLD* s.v. *nihil* 4a); cf. e.g. §23 *ut nihil iam quaerere aliud debeatis nisi uter utri insidias fecerit.* **iustitiam, grauitatem, humanitatem, fidem:** open flattery, particularly bold in light of Domitius' recent scandals. The series is, as often, given in asyndeton, culminating in an emphatic *fidem,* a two-syllable word placed last after many polysyllables (cf. Quint. *Inst.* 9.4.23). This perhaps picks up on Pompey's *fides* from the foregoing section. **tulit ut consularem necesse esset** "he proposed that it be necessary for a man of consular rank" (*sc.* to preside). The lack of sentence connection in this section results in a staccato series of statements (cf. §18n. *comprehensus est*). The presiding magistrate in a *quaestio* would grant prosecutors permission to lay a charge in court (there were no state prosecutors), accept and record prosecutors' indictments, and determine the date of hearings. During the trial he could ask questions, but the verdict was in the hands of the jurors alone. If the defendant was found guilty, the magistrate determined the sentence (within limits prescribed by statute). There were no appeals. See *OCD* s.vv. *quaestiones* and law and procedure, Roman §3.10, Greenidge 1901: 428–33; for the activities of the presiding magistrate in Milo's trial, Asc. 38–40C. **credo** in effect, "I think." Parenthetical and sentence-introducing *credo* is often ironic (*OLD* s.v. 8c), but here it perhaps softens C.'s claim to know what was in Pompey's mind when he proposed his law. **principum:** in the plural a technical term for "the body of *consulares*" (*OLD* s.v. 4b), although also a more general word for the most distinguished men of the state (*OLD* s.v. 3). **ducebat** "he considered" (*OLD* s.v. 30). In C. the indicative is actually the exception in *quod* clauses alleging someone else's reason, rare even with words that themselves indicate a subjective reason (like *ducebat*); here the indicative is perhaps influenced by the distancing

in *credo.* Cf. §29n. *quod hunc iam interfectum putarent,* K–S II.201. The perfect tense could also have been used, and it is hard to see much of a distinction here (cf. Pinkster 2015: 412). **leuitati multitudinis et perditorūm tĕmĕrĭtātī** "the fickleness of the mob and the audacity of the desperate." Strong political language, again setting the good and just *optimates* against the ruined and desperate *populares.* Cf. §2n. *temeritatem concitatae multitudinis,* §4n. *a perditissimis ciuibus.* The chiastic arrangement yields a resolved cretic-trochaic ("*esse uideatur*") clausula to close the period. **ex consularibus te creauit potissimum** "from men of consular rank he picked you above all others." Pompey did not really appoint him; his law stated that the presider was to be elected from those of consular rank by the vote of the people (*ut quaesitor suffragio populi ex iis qui consules fuerant crearetur,* Asc. 38C), but clearly Ahenobarus was his preferred candidate, and Pompey presumably presided over the *comitia* that elected him. Because of ongoing election difficulties (see Introduction p. 7), at this point in 52 there were probably no praetors who could have presided over the court; Pompey's restriction to *consulares* adds authority to the proceedings. *potissimus* (or *potissimum* adv.) is often used in a predicate sense ("in preference to all others," *OLD* s.v. 2), and the separation of *te* from *potissimum* helps emphasize this function. For the partitive structure, also very common, cf. *Ver.* 2.109 *quin eum iste potissimum ex omni numero delegerit, TLL* X2.356.80–4. **quam contemneres populares insanias** "how you despised the madness of the *populares.*" Stark continuing focus on partisan politics. *quam* ("how") in such an indirect question typically, as here, represents an exclamatory *quam* in direct speech (*OLD* s.v. 1b). The plural *insanias* is rare, but perhaps points to multiple instances of madness, or the madness of multiple people, as it seems to elsewhere in C.: *Ver.* 4.47 *omnium cupidissimorum insanias* (cf. 2.35), *Fam.* 4.1.1 *incideram in hominum pugnandi cupidorum insanias, Att.* 9.7.5 *noli enim putare tolerabiles horum insanias.* **iam ab adulescentia documenta maxima** "the greatest proofs already from your youth." According to Asconius (45C), C. refers to Ahenobarbus' opposition to C. Manilius, who as tribune of the plebs tried to pass a law allowing freedmen to vote in the tribe of their patron rather than in just the four urban tribes, a reform which would have given the proletariat more influence on elections (cf. Treggiari 1969: 49–51, 164–6, Lintott 1999a: 51–2; §§87, 89). Ahenobarbus forcibly broke up a Manilian mob, killing some of its members in the process. (A reference to Manilius' bill is particularly pointed in this speech because Clodius is alleged to have been intending to make the same proposal: cf. §87n. *incidebantur iam domi leges quae nos seruis nostris addicerent.*) These events almost certainly took place in December 67, which fits with both *ab adulescentia* and C. Manilius' activities in his known tribunate (cf. Dio

36.42.2, Asc. 65C, *CAH* IX².337–8; rather differently Schol. Bob. 119.11–19 St.), but at Asc. 45C, the MSS read *in praetura* – and Ahenobarbus was praetor in 58. However, he had intended to be consul *anno suo* in 55 (he was forced to postpone his candidacy after the conference of Luca and its fallout), and so if quaestor *anno suo* he would have entered office for 66 in December 67, at the age of 31 (so *MRR* II.153, 560; for a 31-year-old *adulescens*, cf. §75n. *de adulescente P. Apinio*). Textual corruption in Asconius seems almost certain (i.e., emend to *in quaestura* as in Clark's text): it beggars belief to suppose that another C. Man(i)lius (or the same one, for that matter) was tribune in 58 and proposed this law again. Ryan 1995 argues convincingly against alternative explanations, including a lacuna in Asconius' text (e.g. *in praetura* <*Ciceronis*>: so Badian 1964: 143, following Münzer in the *RE*).

RECAPITULATION (§23)

C. deftly moves from dispelling *praeiudicia* into the *narratio* proper. In a long sentence commanding assent, he briefly recaps his claims up to this point: confession of a killing has many precedents (§§7–11), the senate has in no way already condemned Milo (§§12–14), nor has Pompey, since he proposed a special bill not to inquire into the facts of the case, which are clear, but into their justice (§§15–21), and Lucius Domitius Ahenobarbus, a man of many good qualities, was appointed to preside over the court (§22). He then sets up the cornerstone of his argument, the "false dilemma" – either Milo ambushed Clodius or Clodius ambushed Milo – and asks the jury to listen attentively to his *narratio*. Throughout this section he speaks directly to the jurors.

23 Quam ob rem, iudices: in this sentence C. self-consciously marks the end of his lengthy digression, which he summarizes. **ut aliquando ad causam crimēnquĕ uĕnĭāmūs** "to get to the real issue in this case at long last [*OLD* s.v. *aliquando* 5]." For the doublet and the phrase, cf. *Planc.* 17 *possumne ... te ad causam aliquando crimenque deducere?*, further *Deiot.* 17 *en crimen, en causa.* When C. ends a period with a word shaped ˘ ˘– – (*uĕnĭāmūs*), he often precedes it with a doublet joined by *-que*, thus avoiding a hexameter ending and securing an *esse uideatur*–type clausula; cf. §4 *fidem uirtutem sapientiāmquĕ rĕcrĕēmūr*, §28 *locum tempūsquĕ uŏlŭīssēt*, §28 *ancillarum puerorūmquĕ cŏmĭtātū*, §58 *mentem oculōsquĕ sătĭāuīt*, §74 *uillas multorum hortōsquĕ pĕrăgrābāt*, and outside this speech e.g. *Cael.* 42 *uincat aliquando <u>cupiditas uoluptāsquĕ rătĭōnēm</u>, dum modo illa in hoc genere <u>praescriptio moderatiōquĕ tĕnĕātūr.</u>* **confessio facti:** "*facti*" is a remarkably anodyne way to describe homicide: although he had discussed justifiable

homicide in §§7–11, C. prefers to be vague rather than to dwell on killing; cf. §29n. *quod suos quisque seruos in tali re facere uoluisset.* **inusitata:** "without precedent" (lit. "unusual," *OLD* s.v.). **aliter ac nos uellemus** "otherwise than we would have wished," a thoroughly tendentious claim given the senate's decree that Clodius' death was *contra rem publicam* (cf. §§12–14). *atque* (*ac*) = "than" after adjectives and adverbs which express similarity or dissimilarity (*NLS* §251). *uellemus* is perhaps more accurately termed a potential subjunctive (*NLS* §121) than the apodosis to an implied present contrary-to-fact condition (Lebreton 292, with Ciceronian examples), but such hair-splitting verges on a distinction without a difference. **lator ipse legis** "the very proposer of the law." The order *legis lator* ultimately becomes standard and the two words coalesce into one (> Engl. "legislator"), but in C. the order is not yet fixed (e.g. *Catil.* 4.10 *ipsum latorem Semproniae legis* vs. *Mur.* 3 *legis ambitus latorem*). The insertion of *ipse* in the middle of the phrase is emphatic. **cum esset controuersia nulla facti, iuris tamen disceptationem esse uoluit** "although there was not a whiff of controversy about the deed, he nevertheless decreed that there be a discussion of the legal question." The position of *nulla* after the noun it modifies is emphatic (cf. §14n. *nouam quaestionem nullam haberemus*), and *facti* (again a bland word) and *iuris* are artfully juxtaposed in a chiasmus that extends all the way to the verbs (*esset … esse uoluit*); such a "triple chiasmus" is rare (cf. §103n. *ne scelerate dicam in te quod pro Milone dicam pie*). For the objective genitives after *controuersia* and *disceptatio*, see *OLD* s.vv. 1a, *TLL* IV.785.3–10, V.1.1292.41–60 (noteworthy because one says *de iure discepto* rather than *ius discepto*, although an internal accusative is possible, as with the following *haec … disceptent*, picking up this word). *uoluit* is here "an authoritative wish," and it is probably legal language in referring to Pompey's law (*OLD* s.v. *uolo* 13). **et ii lecti iudices, isque praepositus quaestioni:** *ii* (*ei*) *lecti* is Garatoni's emendation for the transmitted *electi*, setting up the appropriate parallel with *isque praepositus* to introduce the relative clause of characteristic. Orelli (followed by Clark) added *est* after *praepositus*, which smooths the construction and has its attractions, but the transmitted text should probably be retained. Omission of *esse* with the perfect participle is more common than K–S I.12 will allow (cf. K–S II.632), even if it is more a mannerism of the historians and not especially common in C. (H–S 422, Pinkster 2015: 198). Most of the Ciceronian examples are found in his letters (e.g. *Att.* 12.29.2 *totum enim illud desperatum*), but even in the *Epistulae* editors tend to emend (e.g. *Att.* 7.17.4 *tantum mali* <*est*> *excitatum*; cf. Heidemann 1893: 21–3). Such ellipses are often colloquial and/or used for brevity. While colloquialism is out of place here, a quickening of pace is quite appropriate at this point in a long sentence, as C.

moves swiftly from *ii iudices* to *is ... praepositus.* Cf. e.g. §28n. *commoratus est, dein profectus,* where *est* has clearly been omitted in the service of narrative speed; further §16n. *nihil ... nulla,* §43n. *quam hoc non credibile,* and §64n. *domus in cliuo Capitolino scutis referta.* There is a danger of circularity in deciding that C. never uses such constructions and then emending away instances where he appears to do so. **iuste sapienterque:** cf. §2n. *sed me recreat et reficit Cn. Pompei, sapientissimi et iustissimi uiri, consilium.* **disceptent:** the singular *disceptet* is transmitted, but *discepto* refers specifically to the action of the jurors in deciding a case (*OLD* s.v. 2, *TLL* v.1.1294.19–41); the presiding magistrate (*praepositus quaestioni*) had no role in this judgment. Schuetz's emendation is thus to be preferred. **reliquum est, iudices, ut nihil iam quaerere aliud debeatis nisi:** the second direct address to the jury in this long sentence. The first, as usual, comes in "second position," but the sentence has carried on for so long that C. wants to jolt the jurors again before he makes his clinching point. Such vocatives are notably absent from the *narratio,* where C. wishes to lull the audience into passive acceptance of his version of events and specifically does not want to break their concentration. For the very common *reliquum est,* cf. §36n. *Reliquum est ut.* For *nihil iam quaerere aliud ... nisi,* cf. §22n. *nihil quaesiuit aliud nisi.* **uter utri insidias fecerit** "which of the two set an ambush for the other"; cf. §§6, 31. C.'s long sentence culminates in this, the horns of the false dilemma on which he bases his entire argument: he proves that Milo did not set an ambush for Clodius, and so, by implication, Clodius must have set an ambush for Milo. This does not follow: it ignores the possibility that the two met by chance. Nevertheless, the prosecution had argued that Milo had set an ambush for Clodius (Asc. 41C), and so C. was only too happy to try to fight the battle on these terms (see Introduction pp. 23–4). For C.'s use of dilemma more broadly, see Craig 1993. Juxtaposed *uter utri* (and the like) is common: K–S I.616, II.497. **quod quo facilius ... diligenter attendite:** a shorter, simpler sentence follows in order to introduce the *narratio. quo* commonly introduces a purpose clause containing a comparative; literally it is an ablative of degree of difference, i.e. in translationese *quo facilius* = "whereby the more easily" (*NLS* §82; cf. §19 *nihilo minus,* §82 *nihilo segnius,* §92 *hoc minus*). *diligenter* is constantly found with *attendo* in C.; cf. e.g. *Ver.* 3.104 *attendite, iudices, diligenter.* **argumentis perspicere** "have a clear picture from the evidence adduced [*OLD* s.v. *argumentum* 1]." C. continues the visual metaphors of §6n. *nisi oculis uideritis.* The notion of sight is perhaps attenuated (*perspicio* here verges on "understand, recognize": *OLD* s.v. 3b), but the intensive force of *per* is still in play. *perspicio* and *perspicuus* are common in C.'s speeches; cf. e.g. *Mur.* 88 *quare quid inuidendum Murenae aut cuiquam nostrum sit in hoc praeclaro consulatu*

non uideo, iudices; quae uero miseranda sunt, ea et mihi ante oculos uersantur et uos uidere et perspicere potestis. (*perspicere posse* is a fixed phrase of Ciceronian rhetoric: cf. e.g. *Ver.* 3.5, 4.38, *Clu.* 19, 43, 169, *Catil.* 2.9, *Flac.* 46.) This is in line with rhetorical precepts; cf. e.g. *Rhet. Her.* 2.11 *cum multa concurrant argumenta et signa, quae inter se consentiant, rem perspicuam, non suspiciosam uideri oportere.* For the bare ablative (here *argumentis*) with *perspicio*, cf. *TLL* x.1.1743.49–57. **rem gestam uobis dum breuiter expono:** *rem gestam* is fronted to focus the listeners' attention and further focused by *uobis. breuiter* is in line with rhetorical precepts for a *narratio* (Lausberg §§294–7), as is C.'s plea for the jurors' careful attention. The language is textbook and very common, with *breuiter expono* et sim. almost a fixed phrase (*TLL* II.2185.12–2187.18), in use from the *Verrines* (e.g. *Ver.* 16) through the *Philippics* (1.1, 1.7); cf. e.g. *Tull.* 13 *quoniam quod iudicium et quo consilio constitutum sit cognostis, nunc rem ipsam, ut gesta sit, dum breuiter uobis demonstro, attendite, Rhet Her.* 1.18.

NARRATIO (§§24–9)

C. here sets out his (very tendentious) version of the events surrounding Clodius' death. His language and style create the impression of simplicity and sincerity, and he well fulfills the three traditional requirements of the *narratio*, viz. that it be *simplex*, *aperta*, and *probabilis* (Lausberg §294). But this is an instance of his art concealing his art: the *narratio* is carefully calculated to persuade the jurors at every turn. Much attention is paid to painting a negative picture of Clodius and a positive picture of Milo, and above all C. sets out to prove that Milo could not possibly have ambushed Clodius and that in fact Clodius "must" have ambushed Milo. (In general a *narratio* works better to show that someone did something than to show that someone did not do something: Berry 2020: 137.) C. begins by sketching Clodius' nefarious motives in postponing his bid for the praetorship to 52, and his political machinations in the campaign of the previous year. He then carefully describes the activities of Milo and Clodius on 18 January, with elaborate and artful parallelism pointing the contrast. This culminates in the account of Clodius' supposed ambush in §29, which can be evaluated against the version in Asconius; this is a fortunate and unique case in C.'s forensic speeches where we can compare C.'s story with another account (see Introduction pp. 8–10).

24 P. Clodius, cum statuisset omni scelere in praetura uexare rem publicam: throughout this section C. blackens the character of Clodius and praises that of Milo in the guise of straightforward, honest narrative. The charge in *uexare rem publicam* (8x in C., usually with reference to Clodius:

cf. Dyck ad *Catil.* 1.27) will build to *dilacerare rem publicam* and culminate in *euertere rem publicam.* C. claims that one of the ways Clodius wanted to "harass the Republic" was a program of *popularis* legislation; see §33n. *quas ille leges ... fuerit impositurus nobis.* For *omni scelere,* cf. §85 *quam ille omni scelere polluerat* and *omni nefario stupro et scelere, Catil.* 1.33, *Phil.* 12.15, *Off.* 1.57, *Att.* 3.13.2. On the periodic structure of this sentence, see Introduction pp. 29–31. **ita tracta esse comitia anno superiore:** the elections to be held in the summer of 54 were rocked by scandal, full of backroom deals and bribery, and all four consular candidates ended up on trial; cf. §22n. *L. Domiti.* The elections for praetor were thus delayed until the summer of 53, leaving only a few months for the winners to hold office. Hence, C. says, Clodius decided to postpone his candidacy. **qui non honoris gradum spectaret, ut ceteri:** at first sight an odd instance of character assassination: other men care only about climbing the career ladder, but Clodius actually wants to make changes as praetor (perhaps a nod to his supposed legislative program: cf. §33n. *quas ille leges ... fuerit impositurus nobis*). In fact, however, the idea of "making changes as praetor" would have been unusual in the fifties (cf. again §33n. *quas ille leges ... fuerit impositurus nobis*); the praetorship brought its holder substantial duties in presiding over a *quaestio,* as well as enhanced *dignitas,* a province, and one step closer to the consulship. Indeed, when C. elsewhere lists the rewards of public office, he focuses exclusively on personal prestige (*Clu.* 154): *locus, auctoritas, domi splendor, apud exteras nationes nomen et gratia, toga praetexta, sella curulis, insignia, fasces, exercitus, imperia, prouinciae.* C.'s description of Clodius' motives here is not necessarily to be trusted (so Badian 1964: 150 with an alternative theory), but a praetorship of only a few months cannot have been attractive even for someone not planning to overthrow the Republic, and C. was already twitting Clodius about postponing his praetorship while he was still alive (*Aer. Al. Mil.* fr. 16 *tuamque praeturam non tuo more differas* with Crawford's notes, Lintott 1974: 66 n. 60). *honor* = "political office" (*OLD* s.v. 5; cf. §42n. *Praesertim ... cum honoris amplissimi contentio ... subesset*), and *gradus* is a technical term for a "step" along the *cursus honorum* (*OLD* s.v. 8; much better *TLL* VI.2.2152.64–2153.59); cf. e.g. *Ver.* 11 *quaestura, primus gradus honoris.* Here *spectaret* is subjunctive in a relative clause of characteristic with a causal nuance (*NLS* §§156–7). **L. Paullum collegam:** Lucius Aemilius (*RE* 81) Paullus, praetor in 53 and consul in 50; he was often aligned with C., including during the Catilinarian conspiracy and C.'s exile (cf. e.g. *Fam.* 15.13.2 *ornasti consulatum, ornasti reditum meum*). He had earlier shown his support for C. by attempting to prosecute Catiline in 63 and by issuing coins in 62 commemorating Catiline's defeat (*TLRR* 223 and *RRC* 415/1 with Berry 2020: 33, 53–5). The (older?) brother of Lepidus the triumvir,

he sat out the Caesarian civil wars but opposed the second triumvirate and found himself proscribed. He managed to escape and was eventually pardoned (further *MRR* III.9, Shackleton Bailey ad *Att.* 2.24.2). **ad dilacerandam rem publicam:** *dilacero* "tear to pieces" is a particularly vivid word, perhaps with some implied contrast with the foregoing *integrum.* The compound *dilacero* is found only here in C.; he prefers the uncompounded form, e.g. *Red. Sen.* 3 *cum per se rem publicam lacerare non posset* (sc. *Clodius*). For *dilacero,* cf. e.g. Sal. *Jug.* 41.5 *ita omnia in duas partes abstracta sunt, res publica, quae media fuerat, dilacerata.* Yet another instance of blatant character assassination, as is the more common *ad euertendam rem publicam* that follows (*TLL* s.v. *euerto* V.2.1032.17–41). **annum suum** "his earliest year of eligibility" (*OLD* s.v. *suus* 12b, *TLL* II.119.65–71), i.e., for the praetorship, the age of thirty-nine (under the *lex Villia annalis* of 180 BC: see Evans and Kleijwegt 1992). To attain *suo anno* the offices of the *cursus honorum,* as C. himself did, was considered the highest political success; to abandon this chance was very unusual, especially for a man born into a family as noble as the Claudii Pulchri. **seseque:** reduplicated *sese* may initially have conveyed more emphasis than *se* (*OLD* s.v. *se*), and it is always stressed (as opposed to *se,* which may be stressed or unstressed), but in C. clear distinctions between *se* and *sese* are not apparent. While *seseque* is only found at the beginning of a clause, the same can be said for *seque* (cf. e.g. §29 *cum ... hic de raeda ... desiluisset seque acri animo defenderet*), and the two forms occur with about equal frequency (*seseque* 24x in C., *seque* 27x). Romans themselves could not explain the distinction; cf. e.g. Caes. *De analogia* fr. 29 Garcea *se et sese pronomina ita distinguit* [sc. *Caesar*], *ut se dicamus, cum aliquem quid in alium fecisse ostendimus, ut puta "ille dicit se hoc illi fecisse"; cum autem in se ipsum, tunc dicamus sese, uelut "dixit sese hoc sibi fecisse,"* a doctrine that Caesar ignored in his own writings (Garcea ad loc., Pezzini 2017: 182–3). **in proximum:** the addition of *annum* in ET looks like an intrusive gloss: the word would be needlessly emphatic just four words after preceding *annum,* and its variant placement in E (*proximum annum*) and T (*annum proximum*) may indicate that it was copied into the text from the margin; omitting the word furthermore creates a better clausula (double cretic: *prōxĭmūm trānstŭlīt*). For a similar intrusion, cf. the note on *difficile* below. **non, ut fit, religione aliqua** "not, as usually happens [*OLD* s.v. *fio* 3b], because of some religious scruple [*OLD* s.v. *religio* 2]." C. refers to adverse auspices on election day or the like (cf. §43n. *ad illa augusta centuriarum auspicia*); he may also simply insinuate that Clodius is not religious. For *ut fit,* cf. §28 *dum se uxor, ut fit, comparat*; for the common *non ... aliqua, sed,* K–S I.641. **sed ut haberet, quod ipse dicebat, ad praeturam gerendam, hoc est ad euertendam rem publicam, plēnum ānnum ātque īntĕgrūm:** C. first reports Clodius'

own words (*quod ipse dicebat*), then, with *hoc est*, provides a snide corrective "gloss." (For the formula *hoc est* in C., common in early speeches but gradually replaced by *id est*, see Parzinger 1912: 53–7.) *euerto rem publicam* is a very common Ciceronian phrase; cf. e.g. *Phil.* 2.52 *deleri et euerti rem publicam funditus* (further *TLL* v.2.1032.17–41). C.'s order *ad euertendam rem publicam* both varies the foregoing *ad praeturam gerendam* and avoids a bad clausula (*ēuĕrtēndām*) while securing a good one (*euertēndām rēm pūblĭcām*). The wide separation of the object *plenum annum atque integrum* from its verb makes for an emphatic climax, with further weight added by the rhythmic doublet; *annum ... integrum* picks up the earlier *annum integrum*, with particular emphasis on *integrum* due to the "good men and true" word order (for this order, cf. §42n. *omnia ... intuemur*). One might even wonder whether the elisions – *plen(um) ann(um) atqu(e) integrum* – serve to bind together the phrase almost into a single word, like one complete and continuous year.

25 occurrebat ei "it occurred to him (*OLD* s.v. *occurro* 9)." The lack of connection with the previous sentence is striking and perhaps makes the narrative seem to rush on and feel less artificial; the impression is continued with *contulit se* and *conuocabat tribus*, the latter of which itself introduces a tricolon in asyndeton. On this "staccato style," in which verbs are typically in first position, cf. §18n. *comprehensus est.* For the imperfect tense, cf. §13n. *afferebat.* **mancam ac debilem praeturam futuram suam:** *mancus* (lit. "maimed, crippled") in the transferred sense of "feeble, powerless" (*OLD* s.v. 2) is a Ciceronian favorite but rare elsewhere (*TLL* VIII.259.67–76, citing Hor. *S.* 2.7.88 and two instances in Vegetius). For the doublet with *debilis*, cf. *Rab. Perd.* 21 (further Oakley ad Liv. 7.13.6). For *suam* referring to the logical, not the grammatical, subject of the sentence, cf. §37n. *monumentum sui nominis*, K–S I.608. **eum porro ... consulem fieri uidebat:** more character shading, this time painting Milo in a positive light and indeed attributing the judgment to Clodius himself. *fieri* "was (in the process of) being elected" (*OLD* s.v. *fio* 6b) instead of a periphrastic future lends rhetorical certainty to Milo's election (cf. §34n. *at eo repugnante fiebat*). For *porro* continuing the same argument in a new clause, cf. §15n. *quid porro.* **contulit se ad eius competitores** "he went [*OLD* s.v. *confero* 2] to Milo's rivals for office." Milo's *competitores* were P. Plautius (*RE* 23) Hypsaeus and Q. Caecilius (*RE* 99) Metellus Pius Scipio (Asc. 30C); see further §32n. *ut iis consulibus praetor esset.* **sed ita totam ut petitionem ipse solus etiam inuitis illīs gŭbērnārēt, tota ut comitia suis ... umeris sūstĭnērēt:** merely approaching Milo's opponents would not necessarily have been inappropriate, but doing it in such a way as to wrest control of the canvass from the candidates themselves was a step too far

(*sed ita* ... *ut*, "but in such a way as to make sure that": *OLD* s.v. *ita* 16). The anaphoric fronting of *totam* ... *tota* with a mild hyperbaton gives it the strongest possible emphasis: the *entire* campaign would be in the control of Clodius alone (*ipse solus*), whether the candidates liked it or not (*etiam inuitis illis*). The two clauses constitute a crescendo of electoral meddling (first in the canvassing, then in the actual election), which is emphasized by their parallel beginnings and pretty clausulae. For Clodius' disruptive violence during the *comitia*, cf. §41 with notes. *guberno* "direct, control," originally of steering a ship (< Gk. κυβερνάω), is of wide figurative application in Latin (*OLD* s.v. 2); the metaphor of "taking something on one's shoulders" is common (*OLD* s.v. *umerus* 1d). **ut dictitabat:** the frequentative (< *dico*) attributes the metaphorical phrase *suis* ... *umeris sustineret* to Clodius himself, and moreover paints a vivid picture of Clodius repeatedly asserting the same idea; cf. §26n. *dictitabat palam.* **conuocabat tribus, se interponebat, Collinam nouam ... conscribebat:** this sentence is a model of studied simplicity: simple words, simple structure, supposedly simple significance. But in fact C. produces a rising tricolon in which each member makes a more damning assertion about Clodius than the last. No evidence is offered, but persuasion is induced by C.'s supposed candor. The tribes were a vitally important unit in Roman elections (see Taylor 1966: 59–84), and so they were the focus of much canvassing; cf. e.g. C.'s own efforts on behalf of Cn. Plancius in the elections for curule aedile of 56, which he of course considered perfectly legitimate (*Planc.* 24): *appellaui populum tributim, submisi me et supplicaui* (further Q. Cic. *Com.* 18–20, 30–2). For more details of Roman electioneering, see briefly Feig Vishnia 2012: 108–14, and comprehensively Yakobson 1999. *se interponebat* "he interfered" (*OLD* s.v. 9, *TLL* VII.1.2248.73–81) is again a prejudicial way to describe Clodius' intervention. **Collinam nouam dilectu perditissimorum ciuium conscribebat** "he enlisted a new Colline [*sc.* tribe] from a levy of the most morally bankrupt citizens." The *Collina* was one of the four urban tribes in the city of Rome. The precise meaning of this phrase remains obscure (cf. Tatum 1999: 325 n. 114 "beyond determination"): is it simply that Clodius enlisted a new band of followers from the Colline tribe? So Taylor 2013: 145 n. 50, but this ignores the context, which is all about electioneering. And yet it seems impossible to believe, as Clark ad loc. does, that Clodius actually attempted to create a fifth urban tribe for voting purposes; he would have needed a tribune to propose such a measure. Treggiari 1970 (endorsed by Flambard 1977: 149 n. 30) speculates that this is another reference to Clodius' plans to redistribute the freedman vote among the rural tribes (cf. §87n. *incidebantur iam domi leges quae nos seruis nostris addicerent*); on this argument the *Collina* is mentioned because many freedmen lived in the city. But this

kind of invective, probably disconnected from reality even at the time, is almost impossible to penetrate today. *conscribo* is used especially of enlisting men in the military; this is the first of many military terms used in connection with Clodius in the *narratio*, and it is also a word that C. frequently uses of Clodius' "levies" (cf. e.g. *Red. Pop.* 13, *Dom.* 54, *Sest.* 34). For *perditissimorum ciuium*, cf. §4n. *a perditissimis ciuibus*; C. more commonly refers to Clodius' enlisting bands of slaves for his *collegia* (cf. §26n. *seruos agrestes et barbaros ... ex Appennino deduxerat*). **quanto ille ... tanto hic:** *ille* = Clodius, *hic* = Milo: cf. §12n. *huius ambusti tribuni plebis.* **ubi uidit homo ad omne facinus paratissimus fortissimum uirum, inimicissimum suum, certissimum consulem:** a nice instance of the contrast between *homo* (= Clodius), which can be paired with either positive or negative adjectives, and *uir* (= Milo), which is almost always positive; cf. e.g. §89 *homo effeminatus fortissimum uirum*, *Sest.* 89 *praestantissimus uir profligatissimo homini*, *Cael.* 12 *hominibus improbis ... optimis ... uiris.* The contrast is further emphasized by the tricolon featuring asyndeton, assonance, and alliteration. The juxtaposition of *fortissimum uirum* and *certissimum consulem* with *inimicissimum suum*, which is purposefully positioned in the middle, serves to point up how Clodius was deservedly disliked: he was disliked by a man who was not only very virtuous but indeed certain to be consul. For *ad omne facinus paratissimus*, cf. *TLL* x.1.427.39–44. In general when *inimicus* is used as an adjective it is found with the dative, when it is used as a substantive with the genitive or, as here, a possessive adjective (K–S I.316). **idque:** *id* points to *certissimum consulem* and serves as the subject of the following *esse declaratum*; the phrasing with *idque* marks it as an emphatic amplification (*OLD* s.v. *-que* 11); to overtranslate, "and ... at that." Cf. §21 *idque maxime ad fidem suam pertinere arbitraretur.* **non solum sermonibus, sed etiam suffragiis populi Romani:** an exaggeration, given that in 53 BC no elections for the magistrates of 52 could be completed (for an even greater exaggeration, cf. §96n. *populi uero cunctis suffragiis ... se consulem declaratum*). But on one or more occasions the centuries were summoned and voting had begun when it was disrupted by violence (cf. §41), and perhaps the votes were clear (or at any rate clear enough for a defense lawyer's purposes). C. cleverly attributes this characterization of Milo's valor to Clodius himself, which both gives it credence (it is not C.'s claim) and vilifies Clodius by implication (he is inferior to Milo by his own admission). For the rhetoric, cf. *Clu.* 79 *iam praetorem opinionibus omnium constitutum.* The repeated *s* sounds may help bind the phrase together, pointing the increase from *sermonibus* to *suffragiis.* **palam agere coepit et aperte dicere:** a Ciceronian doublet reinforcing the strident assertion; for the juxtaposition of *palam* and *aperte*, see *TLL* x.1.102.33–5. *palam agere* and *aperte dicere* are both stock phrases: for

palam agere, cf. e.g. *S. Rosc.* 110 *ut prouideat ne palam res agatur*, *Ver.* 4.49, 4.85, *Fam.* 1.1.2 *cum in sermone cottidiano tum in senatu palam ... egit causam tuam*; for the especially common *aperte dicere*, cf. e.g. §29 *dicam enim aperte*, *Catil.* 1.3 *aperte dico* (*OLD* s.v. *aperte* 2).

26 seruos agrestes et barbaros ... ex Appennino deduxerat: C. often accuses Clodius of raising "armies" of slaves (cf. e.g. §76n. *seruorum exercitus illum in urbe conscripturum fuisse*), and the language here too is military (*deduco*, "lead away/down from," is almost a technical term of military forces: *OLD* s.v. 1, 10a); cf. *Aer. Al. Mil.* fr. 12 Crawford *eosdem ad caedem ciuium de Appennino deduxisti.* This accusation is calculated to play on a central Roman fear (Spartacus' rebellion was just two decades in the past): cf. Kaster ad *Sest.* 34 and the collection of references in Flambard 1977: 122–5. In reality most of these "levies" were in connection with Clodius' revival of the *collegia* (cf. §87n. *uexarat in tribunatu senatum*), which were open to free(d) men and slaves alike; cf. e.g. *Red. Sen.* 33 *cum uiderem ... seruos simulatione collegiorum nominatim esse conscriptos* (further *Dom.* 5, 54, 129, *Pis.* 11, 23), and these *collegia* perhaps had a paramilitary organization: Tatum 1999: 25–6, Lintott 1999b: 77–83. The Apennine mountains formed the eastern border of Etruria. The orthography *A<u>pp</u>enninus*, universally transmitted by C.'s MSS in all of his extant works, seems secure, despite the Gk. τὰ Ἀ<u>π</u>έννινα ὄρη et sim. (and the modern A<u>p</u>ennine): *TLL* 11.278.53–63. **quibus siluas publicas depopulatus erat Etruriamque uexarat:** the *siluae publicae* were public woodlands that supplied timber to the Roman state; some of them were doubtless leased to private entrepreneurs, although the details are entirely unknown: the scanty evidence for *siluae publicae* is collected and discussed in Meiggs 1982: 326–30, Harris 2018: 224–5 (cf. *Agr.* 1.3, 3.15). Throughout this speech C. refers to Clodius' depredations in Etruria and his Etruscan gangs; cf. §§50, 55, 74, 87, 98. Outside this speech, however, such references are scarce (perhaps only *Phil.* 12.23: Clodius owned Etrurian property), and further details of Clodius' connection with Etruria are hard to recover: cf. Harris 1971: 295–6, Lewis 1988: 37, Tatum 1999: 144, 224. Since Etruria was a notorious hotbed of social unrest, associated especially with Catiline, in referring to Clodius' Etruscan gangs C. could be alluding to such ideas, although in the absence of further evidence it is hard to say. There may be a *figura etymologica* in *publicas depopulatus* (both < *populus*); for similar play on *Publicola* and *populus*, cf. e.g. *Rep.* 2.53 and perhaps *Sest.* 110 (with Kaster). For instrumental ablative *quibus* used of slaves, see K–S 1.380. **quos uidebatis:** the only address to the jury in the *narratio*, here seemingly tacked on as a careless afterthought, but in fact artfully reinforcing C.'s contention: the jurors do not need to rely on him for

the truth of this statement, for they have seen Clodius' thugs with their own eyes. Perhaps this feeling is intended to carry over into other parts of the *narratio* that they have not seen as well. **res erat minime obscura:** continuing the visual imagery of *uidebatis*, which will in turn be continued by *palam*. **dictitabat palam:** both words had been used in §25, helping to paint a consistent and vivid picture. **consulatum Miloni eripi non posse, uitam posse:** the asyndeton points the contrast. In such instances of adversative asyndeton with a shared verb, the verb must be repeated (cf. e.g. *Amic.* 19 *ex propinquitate beneuolentia tolli potest, ex amicitia non potest*; further K–S II.157). For the dative of disadvantage with *eripio*, cf. §9n. *pudicitiam cum eriperet militi tribunus militaris.* **significauit hoc saepe in senatu:** *significauit* = "he implied" (*OLD* s.v. 4b); cf. §4n. *quae uultu et uerbis saepe significassent.* Here the phrase contrasts with the following *dixit in contione*; for the first-position verbs and staccato style, cf. §18n. *comprehensus est.* The sibilant sounds perhaps lend an air of whispered menace to the implication. **in contione:** on *contiones*, cf. §3n. *hesterna etiam contione.* **quin etiam** "and what is more ..."; cf. §65n. *quin etiam.* **<M.> Fauonio, fortissimo uiro:** Marcus Favonius (*ca.* 90–42 BC; *RE* 1, *MRR* III.90–1) had been an enemy of Clodius since the Bona Dea scandal of 62–61 BC (*Att.* 1.14.5), and he was a famous imitator and friend of Cato Uticensis (cf. e.g. Plut. *Cat. min.* 46, *Pomp.* 60.4, *Brut.* 12.3, Dio 38.7.1). A hard drinker noted for his rudeness, he was a fierce foe of the so-called first triumvirate and especially Caesar, and he took Pompey's side in 49. Although he was pardoned by Caesar and was not among Caesar's assassins, he later joined with the Liberators and was executed after Philippi. For more on Favonius and his place in the circle of the most intransigent of the *optimates*, see Gruen 1974: 56–7; for the problematic evidence of his political career, Ryan 1994a, 1994b, 1994c, 1998a. The praenomen was omitted by haplography after *etiam*. **quaerenti ex eo qua spe fureret ... respondit:** a slanderous accusation here cleverly phrased as reported speech from a specific and named *fortissimus uir*, once again someone else does C.'s dirty work. *furo* here means "rage and rave" (*OLD* s.v. 2), perhaps with the further implication "foment revolution" (*TLL* VI.1.1624.19–28). The word is characteristically used of Clodius (cf. e.g. *Dom.* 113, *Cael.* 60, *Har.* 1); further details in §3n. *P. Clodi furor* (cf. too §27 *furor*). It is rare for an oblique form of *is* to be found in a participial construction when it refers to the subject of the same sentence (i.e. *quaerenti ex eo* [= Clodius] ... *respondit* [= Clodius]), but sometimes, as here, it is needed for clarity; for details, see §39n. *ipse cunctae Italiae cupienti et eius fidem imploranti signum dedit.* **triduo illum aut summum quadriduo ēssĕ pĕrĭtūrūm** "that he would be dead within three or – at most – four days." For the story and the language, cf. §44n. *Clodium sibi dixisse ... periturum Milonem triduo*; for the

question of its veracity, §44n. *et audistis uiuo Clodio.* For the ablative *triduo* "within three days," see *OLD* s.v. *triduum* b, K–S 1.356. For *summum* "at most" (*OLD* s.v. 2) and single *aut*, cf. §12n. *quattuor aut summum quinque.* The choice of *esse periturum* here as opposed to *periturum* in §44 is probably due to rhythmic considerations. **uocem** "utterance" (*OLD* s.v. 7); cf. §93n. *hae uoces Milonis.* **hunc M. Catonem:** *hunc* is deictic, pointing to Cato in the court; cf. §16n. *auunculus huius iudicis nostri, fortissimi uiri, M. Catonis* with further details on Marcus Porcius Cato Uticensis. **detulit:** "reported" (*OLD* s.v. 8); cf. §64n. *delata.*

27 neque enim erat difficile scire [a Lanuuinis]: this chatty parenthetical aside, just as C. is about to get underway with the main thrust of the *narratio*, lends a slightly more colloquial tone to what follows. C. wants it to appear as if he is turning off the rhetoric to present the unvarnished truth, whereas in fact the very opposite is the case. For the language, cf. *Clu.* 45 *id cum Oppianicus sciret (neque enim erat obscurum)*; for *neque enim*, cf. §2n. *nec enim.* The transmitted *a Lanuuinis* is an inept conclusion: it unnecessarily limits where Clodius might have learned his information and so weakens C.'s claim. It is probably an explanatory gloss that has crept into the text, and it was omitted already by some humanist manuscripts (further Berry 2016: 15). The MSS also include *id* (*difficile id* E, *id difficile* T); as in the case of §24n. *proximum*, the word is unnecessary and its varying position may point to an intrusion from the margin. Although *sc-* usually lengthens a preceding short open vowel (see Introduction p. 35), one might contemplate *dīffĭcīlĕ scīrĕ* here (an *esse uideatur*–type clausula). **iter sollemne, legitimum, necessarium:** an ascending tricolon in asyndeton, underscoring just how right and proper Milo's trip was (as opposed to that of Clodius). *legitimum* refers to proper actions prescribed by law (*OLD* s.v.), while *sollemne* has religious overtones befitting the purpose of Milo's journey (cf. §73n. *eum cuius supplicio senatus sollemnes religiones expiandas saepe censuit*). It would be more typical in Latin to coordinate these adjectives, which describe the same type of features of the *iter* (as opposed to, say, *tuum* or *illud* or *unum* or even *longum*) than to juxtapose them (details in Risselada 1984; cf. §6n. *multa praeclara in rem publicam merita*), but this tendency makes their rhetorical juxtaposition here all the more strikingly effective; cf. §42 *fabulam falsam, fictam, leuem*, §91 *singulari diuina incredibili fide.* **ante diem XIII Kalendas Februarias:** 18 January in the pre-Julian calendar, in which January had only twenty-nine days. The date goes with Milo's journey, not the appointment of the *flamen*, which was to take place the following day (Asc. 31C *postera die*). For the details of Roman time reckoning, see A–G §§630–1 (note especially that the Romans counted inclusively); on the Julian equivalent

to this pre-Julian date, see §29n. *hora fere undecima aut non multo secus.* The entire phrase *ante diem* (*a. d.*) with an ordinal (e.g. XIII = *tertium decimum*) was itself followed by a further accusative (e.g. *Kalendas*) and could even be governed by a preposition (*in a. d. V Kal. Nou.*, *Catil.* 1.7); the origin of this venerable absurdity is uncertain (H–S 224). **ad flaminem prodendum** "to appoint a *flamen*" (*OLD* s.v. *prodo* 3). As *dictator* or chief magistrate of Lanuvium, a small town about 19 miles (30 km) southeast of Rome (see Map 1), this was Milo's responsibility. For the office of *dictator* in Latian towns, see Oakley ad Liv. 6.26.4 with further references. In Lanuvium the *flamen* would have been a priest of Juno Sospita. On Juno Sospita and her connection to Lanuvium, see briefly Hermans 2012; for exhaustive details, including epigraphic evidence for *dictatores* and *flamines* at Lanuvium, Hermans 2017: 83–142. Appian has a confused report that Milo was going to Lanuvium not to appoint a priest but to withdraw in disgust from his consular campaign because of opposition from Pompey (*BC* 2.20); Appian's account of these events is often unreliable (e.g. at *BC* 2.24 he claims that Milo was convicted *in absentia* of Clodius' murder; cf. further §91n. *caedi uidistis populum Romanum*). **quod erat dictator Lanuui Milo:** this is not part of Clodius' thoughts but rather C.'s own aside to the jurors, explaining why Milo had to appoint a *flamen*, hence the indicative *erat* (the imperfect is used because the salient fact is that Milo was dictator at that time). Some have thought the phrase an intrusive gloss originating in Asc. 31C *Milo Lanuuium, ex quo erat municipio et ubi tum dictator, profectus est ad flaminem prodendum postera die* (Berry 2016: 16). It seems to me more likely that Asconius is closely following C.'s text in his own explanation (cf. the exact repetition of *ad flaminem prodendum*). C. cannot have assumed that his audience would have known that Milo was *dictator*, cf. §46 *scire potuit* (sc. *Clodius*) [*illo ipso die*] *Lanuui a dictatore Milone prodi flaminem necesse esse*, where C. repeats what he says here in the *narratio* (the location and the phrase *prodere flaminem*) and takes care to specify that Milo is *dictator*. *Lanuui* is probably locative here, as it certainly is in §46; by C.'s day the original *Lanuuii* had contracted to *Lanuui* even in the locative (Leumann 426, Weiss 223). **subito ipse profectus pridie est:** an assertion without evidence that sets up a contrast with Milo's slow departure below. The word order, with *est* leaning on *pridie*, shows that *pridie* is focused and allows for alliteration. For *subito*, cf. further §46n. *subito ... repente.* **quod re intellectum est** "as subsequent events proved," another bold claim introduced without a shred of real support. The (circular) argument is: "Clodius set an ambush for Milo. How do we know? Because Clodius set out the day before Milo in order to set an ambush for him, as we can see by the fact that he set an ambush for him." **atque ita profectus est:** the connective anaphora, repeating

the preceding *profectus est*, emphasizes that C. is adding another important piece of corroborating evidence; cf. §44n. *et audistis uiuo Clodio* and e.g. *Ver.* 2.53 *huic hereditas … uenerat <u>a muliere quadam propinqua, atque ita propinqua</u> ut, ea etiamsi intestata esset mortua, Epicratem Bidinorum legibus heredem esse oporteret.* **contionem turbulentam in qua eius furor desideratus est:** Asconius says that C. Sallustius (*RE* 10) Crispus – i.e. the historian – and Q. Pompeius (*RE* 9) Rufus, both enemies of Milo and both "*inquieti,*" held *contiones* on the day in question (Asc. 49C); for their possible connections to Milo, cf. §28n. *cum uxore.* For the day of the *contio,* see next note. On this *contio,* cf. too §45 *insanissima contio ab ipsius mercennario tribuno plebis concitata.* For *contiones* in general, cf. §3n. *hesterna etiam contione*; C. often describes *contiones* as *turbulentae* (cf. §58, *TLL* IV.733.25–6). For *furor,* see §3n. *P. Clodi furor*; cf. §26n. *quaerenti ex eo qua spe fureret.* **quae illo ipso die habita est:** C. seems to create the impression that the *contio* was held on the 17th, but Asconius, citing the *Acta senatus,* reports that it was in fact held on 18 January (Asc. 49C). C. revisits this chronological confusion in §§45–6 below. It is thus unlikely that we are dealing with an interpolation in the present passage (contra Berry 2016: 16; cf. §46n. [*illo ipso die*]), and a bald-faced lie seems implausible (although not impossible). Rather C. seems to be deliberately muddying the timeline, and *illo ipso die* must refer back to *ante diem* XIII *Kalendas Februarias,* not to *pridie.* **nisi obire facinoris locum tempūsquĕ uŏlŭīssēt:** *obeo* = "appear on or at (an appointed time or place)" (*OLD* s.v. 6a), implying that Clodius had this planned in advance. C. avoids a hexameter ending and secures a resolved cretic-trochaic clausula here with particular elegance, since both time and place (*locum tempusque*) are important for his argument; for the rhythmic trick, cf. §23n. *ut aliquando ad causam crimenque ueniamus.*

28 Milo autem cum: the strongly fronted *Milo,* coupled with contrasting *autem* ("on the other hand": *OLD* s.v. 1), points the contrast between the foregoing description of Clodius' nefarious ways and the upcoming depiction of Milo's noble and natural motives. **in senatu … quoad senatus est dimissus:** Milo has thus been doing his political duty. The prosecution claimed that the senate was dismissed at the fourth hour, i.e. shortly after 10:30 am (Asc. 35C; cf. §29n. *hora fere undecima aut non multo secus*); C. would not then be lying here, but at first glance the sentence seems to imply a rather longer working day (senate meetings normally began at dawn and very often continued until sundown, when they were required to stop: Mommsen 1888: 919–21). The repetition of *senatus* perhaps furthers the air of colloquial simplicity in the supposedly straightforward description of Milo's day, although as C. has phrased the sentence, it is also needed for clarity. *quoad* in the sense "until" is rare or non-existent

before C. **domum uenit, calceos et uestimenta mutauit ... commoratus est:** another sentence of simple construction designed to show Milo's simple and straightforward motivations. The description is by turns humble (he changes his shoes) and humorous (he must wait a wee while for his wife – *ut fit* – to get ready). Milo the burly gangster is nowhere to be seen, and this again stands in sharp contrast to the preparations of the dastardly Clodius. Quintilian has a sensitive analysis of this passage (*Inst.* 4.2.57–9), concluding: "But it is his exceptionally clever imitation of simplicity that [is most effective] ... How Milo seems to have done nothing hurriedly, nothing with premeditation! [Cicero] achieved this effect not just by including the details, by which he spins out the delays and the slow build-up to their departure, but also by his everyday and common language and well-concealed art. If these things had been put differently, the sound of the words would have alerted the jurors to pay close attention to the advocate's defense of his client. This passage leaves most people cold, but the fact that the reader scarcely even notices it shows precisely how Cicero must have fooled the jurors." (Though given the trial's outcome, one does wonder how many of the jurors were fooled!) **dum se uxor, ut fit, comparat** "while his wife – you know how it is – got ready." The present tense is regular even in past time in a *dum* clause during the course of which some other action takes place; see *NLS* §221. For *ut fit*, cf. §24 *ut fit.* **commoratus est, dein profectus:** the compound *commoror* usually means, as here, "stay (in a place)" (*OLD* s.v. 2), whereas the simplex *moror* means "delay" (transitive or intransitive). In C. *dein(de)* is virtually always in first position, and so *est* must go with *commoratus. dein* (as opposed to *deinde*) in C., especially in the speeches, is very rare, occurring only a handful of times as against hundreds of *deinde.* (Merguet gives six instances of *dein* in the speeches, including §§28, 41, 65.) The abbreviated form adds to the colloquial feel of the *narratio.* The ellipsis of *est* with *profectus* also lends to this feeling; cf. §23n. *et ii lecti iudices, isque praepositus quaestioni.* **id temporis** "at that time," a fixed phrase with *id* as an adverbial accusative and *temporis* a partitive genitive (A–G §§346.3, 397a). Such adverbial accusatives have a colloquial flavor (G–L §336 n. 2, H–S 47, Dyck ad *S. Rosc.* 65 *id aetatis*), again consonant with the tone of this section. **si quidem eo die Romam uenturus erat** "if in fact he really was going to come to Rome that day" (*OLD* s.v. *siquidem* 3c), strongly implying that he was *not* going to do so at all. Cf. §§48, 67, and see K–S II.427, Solodow 1978: 129. **obuiam fit ei Clodius** "Clodius meets him [*OLD* s.v. *obuiam* 1]"; the shift into the historic present adds immediacy to this, the most important part of the *narratio* (on the Latin historic present, see extensively Pinkster 2015: 401–9; cf. e.g. §65 *Pompeio nuntiatur in hortos, S. Rosc.* 15–29). This sentence presents a stark contrast between Clodius and

Milo, which is rounded off in a sort of ring composition by §29 *fit obuiam Clodio.* Although *obuiam* is sometimes used of meeting "with hostile intent" (*OLD* s.v. 1b), it is neutral here, as shown by the bland verb *fio* (*TLL* IX.2.316.22–30) and its use in §29 with Milo as subject. **expeditus** "ready for action" (*OLD* s.v. 1), military language as throughout the next few sentences. The description of Clodius in military terms further points up the contrast between him and the unwarlike and innocent Milo. **nulla raeda, nullis impedimentis, nullis Graecis comitibus:** an ascending tricolon emphasized by anaphora and culminating in a character-blackening insinuation about Clodius' predilection for Greek companions, which was in fact hardly unusual: cf. §55n. *comites Graeculi.* With *nullus* a bare ablative of accompaniment – i.e., without *cum* – is normal (K–S I.412), but the ablatives may also carry a whiff of military language (the so-called "ablative of military accompaniment": *NLS* §46.ii). **ut solebat** "as he usually had," an elliptically colloquial aside that modulates the high rhetoric of the preceding tricolon to C.'s desired key with a note of humor. **sine uxore, quod numquam fere** "without his wife, which he almost never was"; cf. §55 *semper ille antea cum uxore, tum sine ea.* C. could not say *nulla uxore,* and so he changes the construction to *sine uxore* and secures *uariatio.* If the preceding tricolon of ablatives of accompaniment had a military flavor, this culminating extra member could puncture that picture with particular humor. *quod numquam fere* is an even more colloquial clause tacked on to the end of this sentence; cf. §36n. *"nihil per uim umquam Clodius, omnia per uim Milo"*, §55n. *qui numquam.* Clodius' wife was Fulvia (*RE* s.v. *Fulvius* 113), a politically active and ambitious woman who subsequently married the *popularis* politicians C. Scribonius Curio and Mark Antony. She was born *ca.* 80 BC, and she may have been married to Clodius by 62 BC; she certainly was by 58 (Tatum 1999: 60–1). Although relatively young, she must already have been active in public life if she was known for almost always being with Clodius. The night of Clodius' death Fulvia inflamed the crowd gathered at their house by weeping and displaying Clodius' wounds (Asc. 32C); she subsequently provided moving testimony at the trial (Asc. 40C). Although she later became a bitter enemy of C. – he is sharply critical of her in the *Philippics* (e.g. 2.11, 48, 99, 5.11), and in one tradition she helps defile his head after his murder, spitting on it and jabbing her hairpins into his tongue (Dio 47.8.4) – at this time he was not perhaps so hostile to her. It is true that wives were expected to be loyal to their husbands, and given C.'s relations with Clodius, Fulvia was probably not his favorite person, but despite his constant criticism of Clodius, the present passage is his first extant reference to Clodius' wife. The ancient sources on Fulvia are almost universally hostile; for modern studies, see Babcock 1965, Delia 1991, Welch 1995, Fischer 1999: 7–65,

Virlouvet 2001, Hallett 2015. **cum hic insidiator** "while this 'ambusher' here"; an ironic contrast, with the deictic *hic* gesturing to Milo. C. well shows that Milo did not set an ambush for Clodius, and so he wants the jurors to believe that Clodius must have set an ambush for Milo; this is the dilemma posed at the end of §23. **qui iter illud ad caedem faciendam apparasset:** the subjunctive represents the supposed cause of Milo's journey in the prosecution's case; i.e., C. reports this view ironically. *illud* is likewise an ironically contemptuous reference to Milo's "infamous" journey (*OLD* s.v. 4c, *TLL* VII.1.345.28–31); when *ille* means "that (well-known)," it often follows its noun (cf. e.g. §3 *genus illud hominum*). **cum uxore ... ancillarum puerorūmquĕ cŏmĭtātū:** C. makes a virtue of necessity, arguing that although Milo's retinue greatly outnumbered that of Clodius – 300 to 26, according to the hostile Metellus Scipio (Asc. 34–5C) – this was in fact an encumbrance. Each of these elements is set in deliberate contrast to the preceding description of Clodius. The anaphoric *nullus* is here replaced by an anaphoric series of "and"s: *magno <u>et</u> impedito <u>et</u> muliebri <u>ac</u> delicato ancillarum puerorumque comitatu*, strongly emphasizing that all the impediments Clodius lacked Milo had in abundance. *ac* here joins *muliebri* and *delicato* as one unit within the longer series; cf. e.g. *Tusc.* 1.48 *terrore sempiterno et <u>diurno ac nocturno</u> metu. puer* = "male slave" (*OLD* s.v. 5); the word usually but not invariably implies "young" (*TLL* X.2.2517.64–7), and it may have a colloquial tone. C. has chosen it here instead of *seruus* (the more usual word and a constant pair with *ancilla*; cf. e.g. *Ver.* 3.8, *Off.* 1.113) to try to paint a picture of "women and children," i.e. an innocent and defenseless Milo who is the very opposite of the wicked and well-armed Clodius. Given that in his retinue Milo had gladiators like the famous Eudamus and Birria (Asc. 32C *inter quos gladiatores quoque erant, ex quibus duo noti Eudamus et Birria*), this is a remarkably tendentious claim, although perhaps one that Milo himself had made in his *contio* with Caelius shortly after Clodius' death (App. *BC* 2.22, Asc. 33C). A resolved cretic-trochaic clausula (achieved as often by a doublet with *-que*, avoiding a heroic clausula: cf. §23n. *ut aliquando ad causam crimenque ueniamus*) finishes the sentence and puts a final exclamation point on the contrast. **cum uxore:** in November 55 Milo married Fausta (*RE* s.v. *Cornelius* 436), a daughter of the dictator Sulla; she had divorced her first husband, C. Memmius (*RE* 8), a few months before (Asc. 28C, *Att.* 4.13.1). In antiquity Fausta was notorious for her apparent infidelities (cf. Hor. *S.* 1.2.64, Val. Max. 6.1.13, Macr. 2.2.9); relevant for this trial is the story that Milo caught her *in flagrante* with C. Sallustius (*RE* 10) Crispus, whom he proceeded to whip savagely (Varro ap. Gel. 17.18). In the aftermath of Clodius' death, Sallust, then tribune, is one of Milo's most bitter enemies, and in that role he is accompanied by Q. Pompeius (*RE* 9) Rufus, one of

Clodius' most intimate friends (*familiarissimus omnium*, Asc. 50C) who also happens to be a nephew of Fausta (son of Fausta's half-sister Cornelia): cf. §27n. *contionem turbulentam in qua eius furor desideratus est*, §47n. *fuisse qui ... diceret.* The truth of the accusations concerning Sallust is perhaps doubtful, but the connections are in any case suggestive; see further Whitehorne 1975. Upon leaving office Pompeius Rufus would be prosecuted by his ex-tribunician colleague M. Caelius (*TLRR* 328); he went into exile and was apparently hostile to C. in May 51 (*Fam.* 8.1.4), although there were rumors of a reconciliation at some point (Asc. 37C, mentioning also rumors of a reconcilation between C. and Sallust). Whether he ever returned to Rome is unknown; curiously, while in exile he won a lawsuit in which he was represented by his former prosecutor M. Caelius (discussion in Kelly 2006: 201), perhaps lending some credence to the idea of a reconciliation. **ueheretur in raeda:** the *raeda* was the utilitarian form of Roman transportation par excellence, a four-wheeled carriage suitable for hauling stuff (Hudson 2013: 27–9); it is of course the furthest thing possible from a fighting vehicle. It is more typical to say *raedā uehi* (K–S I.380), and the addition of the preposition *in* here may add an extra note of passivity. **paenulatus:** for the *paenula*, a tight-fitting traveling cloak, cf. §54n. *paenula irretitus, raeda impeditus.*

29 C. describes the supposed "ambush." His version of the affray is vivid but not always easy to visualize. His account seems to run something like this: Milo meets Clodius on the Via Appia in front of Clodius' estate near Bovillae; they are traveling in opposite directions, Milo heading southeast to Lanuvium and Clodius northwest back to Rome (see Map 1). At this point Milo would have been traveling uphill, Clodius downhill. Clodius' estate must have been to the northeast of the road, where the terrain slopes uphill; on the other side, to the southwest, the land slopes downhill. The two parties apparently pass each other (so explicitly Asc. 31–2C), although C.'s account only implies this obliquely. At this point a group of Clodians launches a frontal assault from an elevated position on Clodius' estate (cf. §53), whereupon they kill Milo's driver from the front (*complures ... faciunt de loco superiore impetum aduersi; raedarium occidunt*). Then those who were with Clodius on the road (*illi qui erant cum Clodio*), and who had already passed Milo's entourage, divide into two groups: one runs back to attack Milo's carriage from behind (*partim recurrere ad raedam ut a tergo Milonem adorirentur*) and the other, thinking Milo already dead, attacks the slaves bringing up the rear of Milo's column (*partim ... caedere* [*incipiunt*] *eius seruos qui post erant*).

It must be admitted that this reconstruction contradicts C.'s *statim*, which would seem to allow no time for the two parties to pass each other.

But if they do not pass each other, Clodius' men can hardly run *back* to Milo's carriage to attack Milo *from the rear*, nor could they easily fight with Milo's slaves who were *behind* him. C. may be trying to have his cake and eat it too, giving some nod to the idea that Clodius and Milo had passed each other, while also insisting on a deliberate ambush. No one listening to C.'s version would have had time to try to parse the details of the melee.

The most important point of course is that it is Clodius who attacks Milo. A subsidiary point of some importance is that Milo was cut off from his slaves when they killed Clodius; Milo himself had nothing to do with it, and his slaves were forced to act independently using their best judgment. The paragraph is a model of artistic prose: two short, simple sentences culminate in a long period that unfolds the complex story of the ambush and perhaps even reproduces its supposed confusion. It then breaks off abruptly with C.'s euphemistic description of the supposed killing – C. never even says here that Clodius was killed – and no mention at all is made of what happened to Milo or what happened after the initial skirmish. These omissions are deliberate and made in Milo's interests.

fit obuiam Clodio: the simplistic repetition of the earlier *obuiam fit ei Clodius* fits C.'s tone in this passage, but the repetition also points the contrast between Milo and Clodius and now shifts the focus to Milo, and the *uariatio* in word order is striking (*obuiam* + verb is almost invariable – *TLL* IX.2.315.9–12, 17x in C. – verb + *obuiam* elsewhere in C. only at *Ver.* 18). We will not hear anything further of the actions of Clodius himself. **ante fundum eius:** for what we (do not) know about Clodius' estate, cf. §46n. *P. Clodium illo die in Albano mansurum fuisse*; cf. too §53n. *ante fundum Clodi*. **hora fere undecima aut non multo secus:** the Roman day began at dawn and ended at sunset and was divided into twelve equal *horae*, thus the length of the "hour" varied according to the season. In the pre-Julian calendar for 52 BC, 18 January was equivalent to 8 December 53 BC (Marinone and Malaspina 2004: 412). In Rome the sun would have risen around 7:31 am and set at 4:42 pm that day (calculated with www.esrl.noaa.gov/gmd/grad/solcalc/), and so each "hour" would have been roughly forty-six minutes. The "eleventh hour" is thus about forty-six minutes from sunset (or just before 4:00 pm). (Like us, when the Romans said *hora undecima* et sim., they almost always refer to the *end* of that hour: for details, see Bilfinger 1888.) C.'s point is that it is late in the day and Clodius would not have been starting his journey at such a time; he all but claims that this is a night ambush (cf. §48n. *pridie hora tertia*). Educated Romans often seem to have avoided pedantic accuracy in reporting numbers, hence the *fere* (for C.'s urbane vagueness, cf. §98n. *centesima lux est … et, opinor, altera*), but according to Asconius (31C) and Quintilian (*Inst.*

6.3.49, citing the prosecution), the encounter actually took place at the ninth hour, i.e. about an hour and a half earlier (shortly before 2:30 pm). C. again is pushing the truth to the breaking point – i.e., this is not simply an instance of all times in the ancient world being approximations at best – and is thus here deliberately imprecise (cf. too §48n. *hora decima*); he hedges his bets still further with *aut non multo secus* (cf. Schol. Bob. 120.12–14 St. εὔπιστον *fecit ipsa addubitatione, quod non undecimam horam quasi pro certo dixit adseueranter; nam hoc additamentum "aut non multo secus" uerisimilitudini plurimum dedit*). Quint. *Inst.* 6.3.49 reports that when the prosecution pressed on this point, asking repeatedly when Clodius was killed, C. wittily replied "*sero,*" a pun on "late in the day" and "too late" (*OLD* s.v. 2.)! **statim complures cum telis in hunc faciunt de loco superiore īmpĕtum āduērsī:** more military language: *impetum facere, cum telis,* and *de loco superiore* are all stock military phrases or slight variations thereon. For *impetum facere,* see *OLD* s.v. *impetus* 2c, *TLL* VII.1.606.68–75; *cum telis* "armed with weapons" is a plural variation on *cum telo* (cf. §11n. *cum telo*); and *de loco superiore* appears to be a particularly Ciceronian variant on the much more common <u>*ex*</u> *loco superiore* (*de loco superiore* 5x in C. and only once outside of C. vs. *e(x) loco superiore/superiore loco* 41x elsewhere, never in C.). The Scholia Bobiensia well comment on this section (120.16–19 St.): *pars haec narrationis aliquanto turbatior est: sine dubio in ea multa finguntur. uerum hanc omnem confusissimam permixtionem cursim praeteruolat: non enim debent cum mora protrahi quae uideri iudicibus possunt aliquod habere figmentum, ne orator, si laciniosus sit* ["if he should become tangled in his own folds"], *in mendacio deprehendatur.* Rhythmical considerations make it more likely that *aduersi* goes with this phrase rather than the next, but the sense is the same either way: the sudden ambush stops Milo's column and the coachman is killed from the front. *statim* is perhaps rhetorical exaggeration if C. imagines that the two parties passed each other; if they did not, then his account has further problems (see below). **raedarium occidunt:** simple asyndeton propels the narrative forward to the first shedding of blood. *raedarius* "coachman" is found only here in extant classical Latin. (*mulio* "mule-driver" is more common, although the note of the Scholia Bobiensia [120.21–2 St.] looks like a grammarian's invention: *quos nunc uulgo muliones dicimus ... eos ueteres ... redarios* [orthography *sic*] *dicebant.*) For the force of *occidunt,* cf. below on *occisi sunt.* **cum autem hic:** another strong contrast, with a gesture to Milo yet again: *complures* attack; Milo alone defends himself. **reiecta paenula** "throwing his traveling cloak out of the way [*OLD* s.v. *reicio* 3]," picking up on the foregoing *paenulatus.* A classic example of showing, not telling: the important detail that Milo was encumbered by clothing (and so would not have been planning an ambush) is emphasized by a vivid action that dramatizes

the scene for the jurors, with Milo front and center as hero. **dēsilūissēt** "had leapt down" (*OLD* s.v. b), another very vivid word (more neutral would be *descendisset*). The hexameter clausula may be accidental, but it is just possible that it reinforces the heroic nature of Milo's actions. **gladiis eductis** "with drawn swords"; as Laughton 1964: 105 puts it, "in many Ciceronian instances the temporal force of the past participle is quite subordinate ... the meaning is surely not 'having drawn their swords' ... Clodius' desperadoes were unlikely to have put off drawing their swords until this moment." (Admittedly C. could simply be trying to sketch a dramatic scene, in which case he may indeed intend Clodius' men to draw their swords at this moment; cf. the "dramatic gun cock" of modern films.) **partim ... partim** "some ... others," the most common use of the adverb *partim* (*OLD* s.v. 1b, *TLL* x.1.455.13–45). **recurrere ... caedere [incipiunt]:** Rau 1842: 93 suggested deleting *incipiunt*. It looks like the addition of a copyist who did not recognize the historical infinitive; the word order and concomitant imbalance of the phrase are otherwise strange. The historical infinitive is used here, as often, in a highly charged narrative to describe a developing scene. For discussion of the Latin historical infinitive with extensive bibliography, see Pinkster 2015: 527–30; for a catalogue of instances in C. (*ca.* 50), Schlicher 1914: 294; and for the tendency to supply a verb like *incipio* or *coepi*, Quint. *Inst.* 9.3.58. The transmitted *recurrere* can be kept only if Milo's and Clodius' entourages had already passed each other at this point; otherwise the men with Clodius would be running forward, not back. If they are not imagined as having passed each other, Rau's further conjecture *decurrere* ("they rushed down"; cf. *de loco superiore* and §53 *edito aduersari atque excelso loco*) deserves consideration (*recurro* is regularly confused in MSS with other compounds [*TLL* x.2.450.61–6]). The trouble is that if Clodius and "those who were with him" are on the road in front of Milo, when they "run down" the road toward Milo's column they will be attacking Milo head-on, not from the rear, nor will they have access to the slaves behind him. A third possibility is that Clodius is waiting in ambush on his own property and launches his attack from the slope beside the road, i.e. from the side, but this seems contradicted by C.'s clear implication throughout the speech that Clodius is traveling on the road itself and that they meet on the road. In any case, if C. had intended such an interpretation, he could have presented it much more damningly. On balance it seems best to retain the transmitted *recurrere*, while acknowledging that C.'s account may have contradictions, perhaps induced by his desire to invent an ambush that somehow squares with the apparent reality that the two parties met on the road; C. may not be able to accommodate all these needs and so his account may not make sense. **ut a tergo Milonem**

adorirentur: C. emphasizes that Milo is the intended victim. Both *a tergo* "from behind" and *adorirentur* are very common pieces of military language (*OLD* s.vv. *tergum* 3–4, *adorior* 1b); cf. e.g. Caes. *Gal.* 7.87.3 *equitum partem ... a tergo hostes adoriri iubet.* **quod hunc iam interfectum putarent:** the supposed motive for the Clodians switching to another target. This subjunctive is, strictly speaking, illogical, but standard in Latin prose. It is a blend of *quod hic iam interfectus esset* (subjunctive reporting what someone else thought to be the cause) and *quod hunc iam interfectum putabant* (simple indicative with a verb of thought). Cf. e.g. Cic. *Off.* 1.40 *rediit ... quod se oblitum nescioquid diceret, NLS* §242 n. 2, K–S II.201; in this speech, see §48n. *illum qui dicatur nuntiasse* and, for the rare indicative, §22n. *ducebat.* **caedere** "to cut down," another vivid verb with military overtones (*OLD* s.v. 3). **qui post erant:** *post* is adverbial ("in the rear," *OLD* s.v. *post*[1] 1). **ex quibus qui animo fideli in dominum et praesenti fuerunt:** this seems to imply another group who were perhaps less faithful and alert, of whom nothing further is heard. One might imagine that some of the slaves simply ran away when the fighting broke out. **partim ... partim:** again the verbal repetition of the earlier *partim ... partim* points up the strong contrast between the activities of Clodius' retinue and those of Milo's. Clodius' armed thugs attack like soldiers; Milo's loyal but helpless followers are brutally cut down. **occisi sunt** "were slaughtered"; verbal repetition (*occido* < *ob* + *caedo*) in the passive again points the contrast between the killers and the victims, here increased by the compounded (and therefore intensified) verb; for the compound after the simplex, cf. Wills 1996: 443–5. *occido* is both more vivid than a synonym like *interficio* and much more colloquial in feel; see Löfstedt II.342–5. In a senate speech, Metellus Scipio had put Milo's casualties at two wounded slaves – the *raedarius* may not have been a slave – and this by comparison to eleven killed of Clodius' twenty-six slaves (Asc. 35C)! **cum ... uiderent, ... prohiberentur, ... audirent et re uera putarent:** a rising tricolon pointed by asyndeton; the tension rises as the action rolls inexorably forward to the peak in the main verb *fecerunt.* **cum ad raedam pugnari uiderent** "when they saw the fighting near the carriage," again reminiscent of military idiom. For *ad* "near," see *OLD* s.v. 13; for the military overtones, *TLL* I.524.35–7. *pugnari* is a very common impersonal passive (A–G §208d); for its use in a military context, cf. e.g. Caes. *Gal.* 7.67.3 *pugnatur una omnibus in partibus.* **domino succurrere:** *succurro* "run or move quickly to the rescue of" is yet more military language (*OLD* s.v. 2); here it also contrasts pointedly with the foregoing *recurrere* used of Clodius' forces. **Milonem occisum:** fronting the most important part of the clause, with deliberate repetition of *occisum.* Dyck 1998: 227 well raises the question of why so many people apparently thought Milo had been

killed when in fact he was not even wounded, suggesting a weakness in C.'s argument that he is keen to gloss over. **ex ipso Clodio audirent:** a bold assertion that rests on no evidence and yet cannot be disproved. **fecerunt id serui Milonis:** the main verb at last, and yet it is the blandest and most generic verb (and object) available. C. does not want to have to say that they "killed" Clodius, still less that they only wounded him now and finished him off later on Milo's orders (Asc. 32C); cf. §56 *quas* [= *poenas*] *ab eo serui fideles pro domini uita expetiuerunt.* Here *serui Milonis* is an unnecessary repetition of the subject, but the sentence has grown so long and convoluted that C. wants to remind his listeners, and furthermore emphasize that it was not Milo who "did it" but rather his slaves. (The soundness of the text seems guaranteed by Quint. *Inst.* 4.2.121, as well as by the lemma to the Scholia Bobiensia ad loc.) **dicam enim aperte non deriuandi criminis causa, sed ut factum est** "I'll say it openly, not in order to deflect the charge [*OLD* s.v. *deriuo* 2], but the way it happened." Just as C. has finally come to the main verb and the climax of the whole story, he interrupts himself with this affirmatory aside, the only first-person verb in the *narratio.* He insists that he is telling the truth, giving only the facts of the case the way they happened, not trying to shift the blame or put any spin on the story. In fact, of course, "spin" is precisely what he is trying to do. For *dicam ... aperte,* cf. §25n. *palam agere coepit et aperte dicere.* **nec imperante nec sciente nec praesente domino:** the interruption of the climax continues with this key claim: Milo did not order Clodius' death, nor did he even know about it, nor was he even present. This is a vital part of C.'s defense, and the repeated *nec* marks the emphatic denial. The contrast with Asconius' account, in which Milo deliberately ordered the murder of an already wounded Clodius for political reasons (Asc. 32C), could not be more extreme. The temptation to delete *nec praesente* is very strong, as the phrase is not present in Quintilian's paraphrase (*Inst.* 7.1.36 *neque iubente neque sciente Milone*) nor in the lemma to the Scholia Bobiensia (121.4 St. *nec imperante domino nec sciente*), but C. is keen to stress that Milo's slaves were cut off from him and he was not there when they dealt the death blow (cf. §56n. *cum a tergo hostem interclusum reliquisset*); his slaves acted independently. The full tricolon feels appropriately weighty (for triple *nec/neque,* see Merguet III.270–1), and it is hard to see why a glossator would add the phrase. Kakridis 1911 had suggested deleting *nec praesente* on the grounds that it did not fit the supposed pattern of successively diminishing importance in *nec imperante nec sciente,* but there is no problem with "not ordering, nor even knowing, nor even being present." The fact that *nĕc īmpĕrān|tĕ nēc scĭēn|tĕ nēc praēsēn|tĕ dŏmĭnō* constitutes an iambic septenarius is probably coincidence, as C. is hardly likely to distract his audience at this critical moment

with a quotation from a play (contra Harmon 1911; cf. §33n. *mouet me quippe lumen curiae*). **quod suos quisque seruos in tali re facere uoluisset:** the climax: Milo's slaves did "what any man would have wanted his slaves to do in such a situation"! C. continues to avoid saying out loud that Milo's men "killed" Clodius (cf. e.g. §23n. *confessio facti*, §30n. *si id iure fieri non potuit*, §56n. *quas ab eo serui fideles pro domini uita expetiuerunt*, §62n. *facti rationem, praesentiam animi, defensionis constantiam*; different treatment begins at §72 *occidi, occidi*). C.'s rhetoric is carefully calculated: throughout the speech he never actually says *when* Milo's slaves killed Clodius. According to the prosecution, they only wounded him in this first encounter; thus it probably would have been an outright lie to say that they killed him then and there. But what they did do in fighting back and wounding him may be morally defensible, and so it serves C.'s interests to dwell on it here; it furthermore draws attention away from the subsequent attack and *coup de grâce* carried out on Milo's orders (see Introduction pp. 8–10). The phrase likewise contains a discreet appeal to the audience, since what was done was what any right-thinking man would have wanted his slaves to do. The word order *suos quisque seruos* is standard (*OLD* s.v. *quisque* 2). *uoluisset* is pluperfect subjunctive in the apodosis of an implied past contrary-to-fact condition; i.e., "if he had been in that situation himself" can be supplied.

TRANSITION (§§30–1)

C. summarizes in brief compass the preceding *narratio* and also touches again on the potential prejudices against his client, recalling §§7–22. He is at pains throughout to put the best possible spin on Milo's actions and other people's reactions to them. He insists stridently that Milo acted in self-defense, and that killing in self-defense is justifiable homicide, sanctioned by reason and custom and nature herself. Claiming that all agree that someone ambushed someone, C. repeats his theory of the case: what the jurors must decide is simply who ambushed whom. He will devote the bulk of the speech (§§32–71) to arguing for his answer to that question, viz. that Clodius must have ambushed Milo, and so Milo killed Clodius in justified self-defense.

30 Haec sicuti exposui ita gesta sunt, iudices "these things, just as I have described them [*OLD* s.v. *expono* 6], so they took place, members of the jury." C. signals the end of the *narratio*, returning to the first person and addressing the jurors with a vocative as he summarizes the preceding sections. *haec*, referring to the foregoing *narratio*, is fronted as the focus of the sentence, as usual (cf. e.g. *Att.* 8.11.3 *haec a te inuitatus breuiter exposui*). *sicut(i) ... ita* is not a typical form of comparison in C. (elsewhere perhaps

only *De orat.* 2.214) or Caesar (only *Civ.* 3.15), but it is especially frequent in legal Latin (*ca.* 175x in the *Digest*). C. may thus place an authoritative, legal stamp on his pronouncement. The MSS here are divided between *sicuti* and *sicut*; if printed editions can be trusted, C. prefers *sicut* by about 4:1, and (*sic*)*uti* is the more archaic form and perhaps slightly more emphatic, but there is little to choose from, especially when the *-i* will probably be elided into *exposui*. Since it is more likely that a scribe would change *sicuti* to *sicut* than vice versa, *sicuti* is here adopted. (*si ut*, well attested in the indirect tradition [Quint. *Inst.* 4.4.2, Schol. Bob. 121.11 St., *RLM* 416.35 (Iulius Victor)], has found some favor with editors but is considerably weaker.) **ui uicta uis** "force was defeated by force"; cf. §9n. *cum ui uis illata defenditur.* The alliteration and repetition-with-variation point the *sententia.* The expected *est* is superseded by *uel potius* and will be found at the end of the sentence. **uel potius** "or rather." An extremely common Ciceronian formula of "correction" (*ca.* 87x in C., relatively rare elsewhere), in which emphasis is placed on the supposedly more accurate second alternative. In reality such "corrections" – which are quite unnecessary in a written speech but may give some illusion of impromptu thinking out loud – are often just opportunities to damn C.'s opponents in stronger terms; cf. e.g. *Sest.* 39 *perditorum ciuium uel potius domesticorum hostium.* The initial *u* may continue the alliteration. **oppressa uīrtūte aūdācĭa ēst** "reckless audacity was overcome by virtue." In this highly prejudicial description, Milo is identified with *uirtus* (cf. §3n. *uirtuti Milonis*), Clodius with *audacia* (cf. §6n. *audacia telisque*). The word order secures two effects: (1) the separation of *est* from *oppressa* and its attachment to *audacia* as host throws strong emphasis on *audacia*, which is also in effect placed last in the sentence; and (2) the molossus-cretic rhythm underscores the *sententia.* **nihil dico** "I make no mention of." This phrase is found only here introducing an indirect question, but it is simply a more emphatic *non dico*; *nihil* is then repeated in anaphora to bind together the tricolon. With this *praeteritio* C. implies that the Republic gained a great deal indeed from Clodius' death, as he will argue more explicitly in §§72–91. **quid uos, ... quid omnes boni:** sc. *consecuti sitis, consecuti sint.* In C.'s arrangement, the jurors (*uos*) are implicitly made part of the *boni*, as C. continues his emphasis on optimate politics. **nihil sane id prosit Miloni** "of course that wouldn't help Milo at all." Repetition of *nihil* provides the connection with the foregoing sentence; the combination *nihil sane* ("absolutely nothing," *OLD* s.v. *sane* 4b) is particularly frequent in C. (34x) but relatively rare elsewhere (once apiece in Sallust, Columella, Quintilian, Suetonius, and Gellius; 3x in Livy). It probably has a colloquial feel, being especially frequent in C.'s letters and dialogues (in speeches only at *Ver.* 2.132, 5.9, *Sest.* 110), and in

combination with the series of short clauses preceding may lend an air of straightforward truth-telling to C.'s summary. *id* refers to the foregoing sentence; *prosit* is a potential subjunctive (i.e. "if I were to recount these things, it wouldn't ...," *NLS* §119). **qui hoc fato natus est** "who was born with this destiny." For the ablative *fato* with *natus*, cf. *Div.* 1.2 *ut praedici posset, quid cuique euenturum et quo quisque fato natus esset.* The sense is more often negative (e.g. Ov. *Pont.* 4.9.9, Juv. 10.129), but on occasion, as here, can be positive: cf. *Phil.* 10.14 *Brutus ... rei publicae natus ... fato quodam paterni maternique generis et nominis.* **ut ne se quidem seruare potuerit quin una rem publicam uōsquĕ sēruārēt** "that he couldn't save even himself without saving the Republic and you at the same time." C. here continues to associate the *salus* of Milo with the *salus* of the *res publica* as a whole (cf. §1n. *magis de rei publicae salute quam de sua*), which is likewise associated with the jurors (*uos*); for similar formulations in C. and others, see Woodman ad Vell. 2.49.3 *Lentulus uero salua re publica saluus esse non posset.* The perfect subjunctive *potuerit* in the result clause implies that the result was a historical fact (*NLS* §164); i.e., C. refers specifically to Milo's supposed act of self-defense in killing Clodius on the Appian Way. *quin* ("without its being the case that, but that," *OLD* s.v. 6), can be used after a negative to indicate that there are no exceptions to a general statement; cf. e.g. Ter. *Eu.* 791 *numquam accedo quin abs te abeam doctior* ("I never come to you without going away more knowledgeable"). In this usage the original "why/how not" force of *quin* (< *qui*, an old ablative/instrumental case, + *-ne*), has disappeared, and the word has been grammaticalized into a relative adverb introducing a kind of result clause (= *ut non*): see *NLS* §185–7. The imperfect *seruaret* (by contrast to *potuerit*) indicates a "natural" as opposed to "actual" result. *unā* is adverbial (*OLD* s.v. 2). C. repeats both *res publica* and *uos* from the preceding sentence, here closely bound together with *-que*, which facilitates the cretic-trochaic clausula. **si id iure fieri non potuit** "if that couldn't be done justly." *id* is deliberately vague, strictly referring to the entire preceding sentence, but also perhaps to Clodius' killing more generally. For *fieri posse* ("to be possible," *OLD* s.v. *posse* 1c, 6b), cf. §16n. *quem immortalem, si fieri posset, omnes esse cuperent.* **nihil habeo quod defendam** "I've got no defense to make." *nihil habeo quod* + subjunctive is a regular idiom; cf. e.g. *Sen.* 13 *nihil habeo ... quod accusem senectutem.* This phrase too may be colloquial, as it is found most commonly in C.'s letters and dialogues; elsewhere in speeches only at *Ver.* 1.71, *Rab. Post.* 7: *TLL* VI.3.2437.14–28 (admittedly there is constant MS confusion between *quod* and *quid* – including here: *quid* P – and there are several further instances of *quid*). *defendam* is subjunctive in a relative clause of characteristic (or "generic clause," *NLS* §§155–9, K–S II.278–9). **sin** "but if," introducing a contrasting condition (*OLD*

s.v.). **hoc** points forward to the noun clause introduced by *ut.* **et ratio doctis et necessitas barbaris et mos gentibus et feris natura ipsa praescripsit:** C. gestures to the argument of §§7–11: killing in self-defense is justifiable homicide (though he can cite no statute; cf. Forschner 2015: 48–70). *ratio, necessitas, mos,* and *natura* are in a sense the foundations of law and morality; cf. e.g. Aristot. *Pol.* 7.13, 1332a38–40 ἀλλὰ μὴν ἀγαθοί γε καὶ σπουδαῖοι γίγνονται διὰ τριῶν. τὰ τρία δὲ ταῦτά ἐστι φύσις ἔθος λόγος ("but people become good and morally excellent by means of three things: *nature, custom,* and *reason*"). C. thus shows that Milo's action was just on any philosophical reckoning, and would be so considered by the whole world. This reasoning is rhetorically underlaid by the repetition of *et*; here, as sometimes elsewhere (K–S II.34), the last member is marked as more emphatic, in this case by varied word order, an emphatic *ipsa,* and the switch from people to animals. *doctis* contrasts with *barbaris* in enumerating all classes of people (cf. *Div.* 1.2 *gentem quidem nullam uideo neque tam humanam atque doctam neque tam immanem tamque barbaram*); *gentibus* means "(all) the nations," i.e. "the whole world" (*OLD* s.v. 2). For the construction, cf. e.g. *Off.* 3.27 *si hoc natura praescribit, ut homo homini, quicumque sit, ob eam ipsam causam, quod is homo sit, consultum uelit* (*TLL* x.10.824.65–71). **ut omnem semper uim ... propulsarent:** *omnem* is focused by being placed first in its clause; the separation of *semper* from *propulsarent,* splitting the noun phrase *omnem uim,* further emphasizes both *omnem* and *semper* (an example of "double-focus hyperbaton," on which see Powell 2010: 177–8). *omnis* and *semper* are constantly combined (*TLL* IX.2.621.54–5); *propulso* ("to repulse [assaults, blows, or sim.]," *OLD* s.v. 1b) is very frequent with *uim* (*TLL* x.2.2142.49–56). **quacumque ope possent** "with every effort in their power" (*OLD* s.v. *ops* 1b, "*summa, omni,* etc., *ope,* with all one's might"); cf. e.g. *Att.* 14.14.6 *omni ope atque opera enitar.* **a corpore, a capite, a uita sua:** an ascending tricolon with anaphoric *a. corpus* refers just to the physical body, while *caput* carries the sense both of "head" and of "life" (*OLD* s.v. 4), and *uita* purely the sense of "life." **hoc facinus improbum iudicare** "to judge this a wicked deed." Despite the apparent redundancy, *facinus* is probably not neutral (*OLD* s.v. 1); cf. Plaut. *Epid.* 32 *edepol facinus improbum, Ver.* 3.194 *improbum facinus, iudices, non ferendum,* 5.11 *facinus quam uultis improbum.* **quin simul iudicetis** "without at the same time judging"; cf. above on *ut ne se quidem seruare potuerit quin* etc. **qui in latrones inciderint** "who fall in among brigands." On *latro,* cf. §17n. *non qua populus uteretur, sed ubi impune sui posteri latrocinarentur. inciderint* is perfect subjunctive in a subordinate clause in indirect discourse; the perfect because these poor souls will not perish until after they have fallen in among thieves. **aut illorum telis aut uestris sententiis ēssĕ pĕrĕūndūm:** a pointed contrast, punctuated by a resolved

cretic-trochaic clausula with the emphatic word at the end. *sententia* here has the specialized sense of a juryman's vote (*OLD* s.v. 4b).

31 quod si ita putasset "if he'd thought that's the way it was." *quod*, referring to the foregoing *quin* clause, is the fronted direct object of *putasset*; cf. §15n. *quod nisi uidisset*. The slight redundancy (*quod* + *ita*) is unexceptionable, cf. *hoc ... ita sentit* just below and Madvig ad *Fin.* 2.17. **certe optabilius Miloni fuit dare iugulum P. Clodio** "surely it would have been better for Milo to present his throat [*sc.* to be cut, *OLD* s.v. *iugulum* 2b, Nägelsbach 1905: 574] to Publius Clodius." *certe* is extremely common in emphasizing (sometimes ironically) the apodosis to conditions (*TLL* III.929.52–81); cf. e.g. §§9, 10, 19, 64. The indicative is regular in the apodosis of a contrary-to-fact condition with a modal verb or its equivalent (*optabilius fuit*), on the grounds that what is contrary to fact is contained in the complementary infinitive (*dare iugulum*), not in the modal verb: *NLS* §200, K–S I.171. The order *optabiliūs Mīlōnī fŭīt* | *dare iugulum P(ūblĭō) Clōdĭō* makes the role of each dative crystal clear, and each colon neatly ends with a double cretic. **non semel ... neque tum primum petitum** "aimed at [*OLD* s.v. *peto* 3] more than once and not then for the first time." C. blackens Clodius' character in passing, implying a multitude of past assaults on Milo's life. In fact none has yet been cited in this speech (but cf. §38n. *cum domum ... illo oppugnante defenderet*). *non semel* "not once" is usually joined explicitly with *sed saepe* (vel sim., *OLD* s.v. *semel* 1c); further amplification is here provided by *neque tum primum*. Quintilian calls *iugulum petere* a courtroom cliché (*Inst.* 8.6.51). **quam iugulari a uobis** "than to have his throat slit by you." *iugulari* is not just chosen to parallel the vivid *iugulum dare* above, but also carries the connotation of an unjust condemnation in a court of law (a meaning not adequately treated by the lexica): see Landgraf ad *S. Rosc.* 13; for a play on the literal and judicial senses of *iugulo*, cf. *Font.* 32. Murder in the late Republic was a "capital offense," but in practice convicted defendants were never actually deprived of their life; they went into exile, as Milo himself would (Crook 1967: 272, Kelly 2006: 6). It is less clear what it meant in theory for something to be a "capital offense" at this time: C. Gracchus had passed a law apparently limiting the death penalty to *iudicia publica* (*MRR* I.513–14), and so perhaps the later *quaestiones perpetuae* made use of exile as a substitute penalty – yet C. could say in 69 BC that exile was not a punishment under Roman law (*Caec.* 100). At some point in the late Republic, however, exile certainly does become an actual punishment rather than a voluntary means of avoiding punishment (in 63 BC a ten-year ban was imposed by C.'s own *lex Tullia*: Dio 37.29.1), and it is well established and theorized by the imperial period (cf. e.g. *Dig.* 48.1.2 pr. (Paulus) *capitalia*

[sc. *crimina*] *sunt, ex quibus poena mors aut exilium est, hoc est aquae et ignis interdictio: per has enim poenas eximitur caput de ciuitate*). Thus the penalty for conviction under Pompey's laws may well have been *aquae et ignis interdictio* (cf. Asc. 36C *poena grauiore*, with the "more serious penalty" referring to either confiscation of property or permanent banishment). For full discussion of these murky issues, see Kelly 2006: 17–45, 195–6. **quia se non iugulandum illi tradidisset** "because he hadn't handed himself over to Clodius to have his throat slit." From C. onwards *trado* can take a gerundive predicate in agreement with the object (an extension of earlier usage with *do* et sim.: *NLS* §207.3); cf. e.g. *S. Rosc.* 29 *eum iugulandum uobis tradiderunt.* The subjunctive *tradidisset* expresses the supposed grounds in the minds of the jurors (*NLS* §242). **sin hoc:** as above, but this time *hoc* refers back to the previous sentence. **nemo uestrum** "none of you." *uestrum* is the usual partitive genitive form (*uestri* the objective). **non illud iam in iudicium uenit, occisusne sit:** *illud* points forward to the indirect question (thus better the order *non illud* of P; in *illud ... non occisusne sit* (ET), the *illud* would seem to point to the second indirect question). The indirect question is here given in compendious form with *ne* ("whether he was killed"; more fully *utrum occisus sit necne*). For *in iudicium uenire*, cf. §7n. *ut ... rem plane quae ueniat in iudicium uidere possitis.* **sed iure an iniuria:** C. revisits §§7–11 and again alludes to status theory, for which see §8n. *aut negari solere omnino esse factum aut recte et iure factum esse defendi.* **multis in causis saepe:** the pleonasm of *multi* + *saepe* is common (H–S 799, Löfstedt II.177–8); cf. e.g. *Catil.* 3.23 *multi saepe honores dis immortalibus iusti habiti sunt.* The order "adjective–preposition–noun" is frequent in C. and Latin more generally (cf. e.g. §80 *aliis in urbibus*); in prose only the adjective can be placed before the preposition (*summa cum laude*, not *laude cum summa*), which gives the adjective a slight additional prominence (Powell 2010: 173). **insidias factas esse constat** "it's agreed/it's an established fact [*OLD* s.v. *consto* 9] that there was an ambush." A tendentious claim indeed, one seen through by everyone but ostensibly accepted by both sides in their arguments (see below). Earlier (§14) C. had only claimed *cum caedem ... constaret.* As some time has passed since C. made that assertion, he seems to feel emboldened to make more sweeping claims that favor his client. For similarly tendentious use of *constare*, cf. *Caec.* 32. **et id est quod senatus contra rem publicam factum iudicauit:** an even more tendentious claim, as C. continues to redefine what the senate had decreed was done *contra rem publicam* (cf. §12n. *caedem in qua P. Clodius occisus esset senatum iudicasse contra rem publicam esse factam*). The senate's decree specifically concerned Clodius' death, not the supposed "fact" of an ambush (Asc. 41C). **ab utro factae sint incertum est:** a contrast with *constat* above. After assuming agreement on

the "facts," C. tries to force the jurors to evaluate the case on his terms. The prosecution made C.'s unlikely argument much easier by insisting that Milo had set an ambush for Clodius (Asc. 41C); see Introduction pp. 23–4. **de hoc igitur:** fronting *de hoc*, which refers to the foregoing indirect question, lends emphasis. **ita et senatus ... et Pompeius:** C. reprises his dismantling of the prejudice that the senate (§§12–14) and Pompey (§§15–21) had already condemned Milo. When he says *senatus rem, non hominem notauit*, he is not telling an outright lie, but he seems to be extending to the senate what he had earlier claimed only of himself; cf. §14n. *crimen iudicio reseruaui, rem notaui.* **num quid igitur aliud in iudicium uenit nisi uter utri insidias fecerit?** "And so is there anything else to investigate except the question of which of these two men set an ambush for the other?" As ever, the cornerstone of C.'s defense (cf. §§6, 23), which he repeats now before launching into a lengthy series of proofs. *num quid* introduces a rhetorical question where a negative answer is assumed (*OLD* s.v. *numquid* 2); in effect C. says *nihil aliud nisi*, repeating almost exactly §23 *ut nihil iam quaerere aliud debeatis nisi uter utri insidias fecerit.* Latin often packages two interrogatives into a single question (*uter utri*), as English can sometimes ("who killed who[m]?"); cf. §38 *quantae quotiens occasiones*, K–S II.497, H–S 460. **profecto nihil** "not a thing." C. answers his own rhetorical question; cf. §16n. *certe nulla.* On *profecto*, cf. §2n. *qui profecto nec iustitiae suae putaret esse*; for its use in strengthening a reply to a question, *TLL* X.2.1669.61–75. **si hic illi** "if my client (set an ambush) for Clodius." For *hic* = "my client," see §12n. *huius ambusti tribuni plebis.* **[ut] ne sit impune** "let him not go unpunished [*OLD* s.v. *impune* 3]." Commentators are at pains to decide whether the transmitted *ut ne* introduces a purpose clause or a result clause, but neither option makes much sense. Furthermore, with a clipped and verb-less conditional protasis, there is no reason to suppose a lacuna in the apodosis that might justify such a clause. What is required instead is a jussive subjunctive, as shown by the hortatory *soluamur* in the following parallel condition. While *ut ne* can be Ciceronian, especially in imitation of legal language (Parzinger 1912: 1–4, H–S 643), nowhere else does it seem to introduce a jussive subjunctive. Although apparently adopted by no editor, the simplest remedy is to delete *ut* (neither *utinam ne* nor *tum ne* is Ciceronian); perhaps *ut* for the following *tum nos* in P points to a superfluous *ut* in the archetype that has intruded into the text in different places in different copies, or *ne* was corrupted to *ut* and the archetype conflated a correction and the error found in its source (for corruption of *ut* into *ne* and vice versa, see Oakley 2011: 180 n. 17). **tum nos scelere soluamur** "then let us be acquitted of wrongdoing." Cf. §9n. *scelere solutum periculo liberauit.* The first-person plural here associates C. with his client; expressing the pronoun *nos* is also emphatic and contrasts with *hic* and *ille.*

ARGVMENTATIO (§§32–71)

The *argumentatio* (also called *confirmatio* or *tractatio*) is the centerpiece of any speech; it is what the *exordium* and *narratio* build toward, and it serves to justify the version of events put forward in the *narratio* and thereby the entire case (Lausberg §§348–430). In this speech C. is arguing that Milo did kill Clodius, but the killing was an act of legitimate self-defense against an ambusher (*relatio criminis*: see Introduction pp. 24–5). He must therefore prove that Milo was ambushed; such a proof falls under the rhetorical category of a "conjectural case" (*status coniecturae*). Since prosecution and defense alike agree that there was an ambush, C. claims that there is only one question to be answered: who set the ambush for whom? If Clodius set the ambush for Milo, then Milo acted in justified self-defense and must be acquitted. C. thus devotes this lengthy section to offering confirming arguments that it must have been Clodius who ambushed Milo.

The arguments to be made in such a conjectural case were extensively theorized by ancient rhetoricians (Lausberg §§150–65; cf. esp. *Rhet. Her.* 2.3–12, laid out in tabular form by Wisse 2007: 55). The fundamental points to establish are motive and means; cf. e.g. Quint. *Inst.* 5.10.50 *in iudiciis ad duas res solemus referre, an uoluerit quis, an potuerit,* with reference to this speech (further 7.1.34). C. strives to show first that Clodius had the motive and means; then that Milo did not. This done, he brings the two together in a comparison favorable to his client.

C. begins with motive, demonstrating that Clodius had cause to kill Milo, whereas Milo apparently had no cause to kill Clodius (§§32–5, *probabile ex causa*: Lausberg §378–81). Then he further claims that Clodius' whole life had been given over to such violence, while Milo had always sought legal remedies first (§§36–43, *probabile ex uita* or *a persona*: Lausberg §376): Clodius was thus the kind of person to set up a murderous ambush; Milo was not.

Motive established, C. turns to means, arguing that the time of day (§§48–51, *a tempore*: Lausberg §385–9), place (§§53–4, *a loco*: Lausberg §382–4), and means of execution (§§55–6, *a modo, a facultate*: Lausberg §390–1) all show decisively that Clodius had in abundance the necessary means to carry out the ambush, while Milo had none of them. In these sections C. develops the full argumentative implications of the picture he had sketched briefly in the *narratio.*

In the remainder of the *argumentatio* C. justifies Milo's actions after Clodius' death, claiming that they support his defense. He deals with Milo's manumission of his slaves and the commonplace issue of the value of slave testimony (§§57–60); he describes Milo's unhesitating return to

Rome after Clodius' death and good conduct since (§§61–6). This portion of the speech closes with a direct appeal to Pompey (§§67–71), which prepares the way for the subsidiary argument that even if Milo had killed Clodius deliberately, he still would have been justified.

Throughout these sections C.'s best defense of Milo is a good offense, viz. a constant attack on Clodius and the "*improbi*." Many of C.'s arguments are extremely tendentious – most of Clodius' motives, for example, apply equally well to Milo – but as long as C. focuses the jurors' attention on Clodius, they will not be considering such niceties. What C. presents throughout is notionally an argument based on pure reason, but in fact he is appealing almost exclusively to optimate fears and prejudices. The argumentative reasoning given here is merely a cover to give the so-called *boni* a plausible, "rational" reason to acquit Milo.

Motive (§§32–5)

C. argues that Clodius had abundant reasons to kill Milo (§§32–3), whereas Milo supposedly had no reason to want Clodius dead (§§34–5). Neither part of C.'s argument is particularly convincing, but he brazens it out with rhetorical brilliance.

32 **Quonam ... pacto probari potest** "how, pray tell, can it be proved." *quo pacto* for "how" is found only 13x in C.'s speeches, only 3x elsewhere introducing a direct question (*Catil.* 2.23, *Sest.* 75, *Cael.* 58). The choice here is perhaps influenced by a desire for alliteration. **insidias Miloni fecisse Clodium:** *Clodium* is emphasized by being postponed to the end of the sentence. **in illa quidem tam audaci, tam nefaria belua** "in the case of such a reckless and wicked beast." Standard terms of abuse in C.'s invective repertoire, used of bogeymen like Verres, Catiline, Piso, Clodius, and Antony; for *audax*, cf. §6n. *audacia telisque*, for *belua*, Opelt 1965: 143–4, Achard 1981: 346–7, Cossarini 1981, Traina 1984, Berry ad *Sul.* 76. The contrast, implicit or explicit, is with a *homo*: cf. *Phil.* 4.12 *non est uobis res, Quirites, cum scelerato homine ac nefario sed cum immani taetraque belua.* Here *quidem* is emphatic and, as very often, coheres with a pronoun (Solodow 1978: 98). **docere** "to show [by argument; *OLD* s.v. 3]," a quasi-technical term of forensic oratory and the focus of a speech's *argumentatio* (Lausberg §348). **magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse:** a tricolon bound together by anaphora of *magn-* and the fact that no member is complete in itself: *ei* must be understood in the second and third clauses, *in Milonis morte* in the first (or rather *occidendi Milonis* vel sim.) and third, *fuisse* in

the first and second (treating the participle *propositam* as an adjective with *fuisse* rather than a passive verb with *esse*). Such sharing of words is a form of *figura* ἀπὸ κοινοῦ: K–S II.559–63, H–S 834–5; cf. §100 *nullum … defuit.* The initial *magnam* is further shown to be focused by serving as host to *ei.* The full impact of the period is complete only when the end of the sentence is reached. The plural *utilitates* ("benefits, advantages") is more at home in philosophical writing than in C.'s speeches, but cf. *Man.* 50 *cum ad ceteras summas utilitates haec quoque opportunitas adiungatur,* Lebreton 36. **itaque illud Cassianum "cui bono fuerit" in his personis ualeat** "and so let Cassius' famous test apply to the people involved in this case too: 'who stood to gain?'" Lucius Cassius (*RE* 72) Longinus Ravilla (cos. 127) was a presiding magistrate so notoriously strict that his tribunal was nicknamed the *scopulus reorum* (Val. Max. 3.7.9; further Asc. 45–6C). He was famous for the phrase *cui bono* (a double dative, "for whom for a good?" = "who stood to gain?"), which C. applies elsewhere at *S. Rosc.* 84 and *Phil.* 2.35. These parallels militate against the temptation to read with Asconius *illud Cassianum <u>indicium</u>* (*iudicium* Asc. MSS, *indicium* Purser) and suppose that *cui bono fuerit* has intruded as a gloss. (Asconius' lemmata are often unreliable guides to C.'s text: see the collection of divergences in Ramsey's forthcoming edition of Asconius. In this case an intrusive marginal note may have ousted the true reading in Asconius' MSS.) *Cassianum* is an adjective formed from *Cassius* (cf. *Cassiani iudices,* i.e. "upright jurors": *S. Rosc.* 85, *Ver.* 3.137, 146); *fuerit* is subjunctive in an indirect question. *persōna,* originally an actor's mask (< Etruscan, not *per* + *sŏno* as the folk etymology found at Gel. 5.7.2: *TLL* X.1.1715.29–42), here has a specialized legal sense of "the person involved in a case" (*OLD* s.v. 5). For *ualeo* "apply," see *OLD* s.v. 9b. **boni … improbi:** C. continues to use loaded political terminology, on which see §5n. *pro bonis contra improbos.* **emolumento** "gain, benefit," a word whose picturesque etymology (< *emolo* + *mentum* = "output from a mill") was no longer felt. **impelluntur in fraudem** "are driven to crime." *fraus* ("an offense, crime," *OLD* s.v. 3) is of wider application than Engl. "fraud"; for the phrase, cf. e.g. *S. Rosc.* 58 *haec te opinio falsa in istam fraudem impulit.* **atqui** introduces the minor premiss of an implied syllogism (*OLD* s.v. 3). Major premiss: whoever stands to gain committed the crime. Minor premiss: Clodius stood to gain the following benefits. Conclusion: Clodius committed the crime. **Milone interfecto Clodius haec assequebatur** "if Milo had been killed Clodius would gain the following things"; cf. *Clu.* 61 *quid Habiti morte Scamander consequebatur?* In effect this is a contrary-to-fact condition (Milo was not killed) with an indicative in the apodosis for vividness; cf. *NLS* §200.3, where only examples in the more common pluperfect indicative are given, but K–S II.403–4 cites examples in the

imperfect as well, e.g. *Flac.* 39 *si ueras* [sc. *litteras*] *protulissent, criminis nihil erat; si falsas, erat poena.* **non eo consule quo sceleris facere nihil posset:** with *quo* understand *consule.* Fronting *sceleris* and postponing *nihil* emphasizes both words. *posset* is potential subjunctive (*NLS* §121). On Clodius' supposed reasoning, cf. §24 with notes. **ut iis consulibus praetor esset:** i.e. P. Plautius (*RE* 23) Hypsaeus and Q. Caecilius (*RE* 99) Metellus Pius Scipio, Pompey's favored candidates (Asconius only explicitly attests support for Hypsaeus [Asc. 35C], but Pompey's support for Scipio seems reasonably clear: see Introduction p. 8 n. 36). Since Clodius had become a Pompeian ally, the connivance of Hypsaeus and Metellus Scipio could be counted on. Hypsaeus served with Pompey in the last years of the Third Mithridatic War (66–63 BC: *MRR* II.169) and remained close to him thereafter, Pompey presumably supporting his rise through the *cursus honorum,* but after Pompey was made sole consul and faced criticism for saving Scipio from conviction (see below), he refused to help Hypsaeus. Hypsaeus was ultimately prosecuted and condemned for electoral bribery (*TLRR* 322); when he threw himself at Pompey's feet to beg for mercy as Pompey was leaving the bath to dine, Pompey supposedly dismissed him by saying that Hypsaeus was delaying his dinner (Val. Max. 9.5.3, Plut. *Pomp.* 55.6). If Hypsaeus is identified with the man mentioned at Joseph. *AJ* 14.220 (Πόπλιος Πλαύτιος Ποπλίου Παπειρία), he was probably restored by Caesar (Kelly 2006: 199); on his life and career, see further Ioannidopoulos 2017. Metellus Scipio, by contrast, fared better, at least in the short term: Pompey married his daughter after he became sole consul (Plut. *Pomp.* 55.1; cf. Asc. 31C with Gruen 1974: 154 n. 142). Later in 52 Pompey made him his consular colleague (Plut. *Pomp.* 55.7), which provided him with immunity from an accusation under the *lex Pompeia de ambitu* (*TLRR* 321). Scipio in turn backed Pompey to the hilt, proposing the motion against Caesar in January 49 that began the civil war and commanding troops at Pharsalus and Thapsus, after which he committed suicide with the famous last words *imperator se bene habet* (Val. Max. 3.2.13). **quibus si non adiuuantibus, at coniuentibus certe** "who, as consuls, if they did not help him openly, would at least turn a blind eye toward his activities." With *quibus* understand *consulibus.* The contrast between *adiuuare* and *coniuere* (lit. "to close one's eyes," hence the developed sense and Engl. derivative "to connive at"; cf. §85n. *oculos aperuisti*) is underscored by *si non ... at ... certe,* a common form in which *si non* negates a single word (cf. §20n. *ex quibus si me non*). Cf. e.g. *Sest.* 14 *si non subtilius disputandum, at certe dolentius deplorandum.* **speraret se posse eludere** "he would hope to be able to behave outrageously with impunity." *speraret* is another potential subjunctive. *spero* typically takes a future infinitive or a periphrastic with *fore ut,* but can take the accusative with the

present infinitives of *uelle, posse,* and *debere* (in fact *fore ut possit/posset* is rare); cf. e.g. Caes. *Gal.* 1.3.8 *totius Galliae sese potiri posse sperant* (K–S 1.689). For the apparently intransitive meaning of *eludo* "have free play for scandalous conduct," see *OLD* s.v. 5 (otherwise Lebreton 160). **in illis suis cogitatis furoribus** "in those premeditated madnesses of his," i.e. "his mad plans" vel sim., a deliberate paradox. For the plural of the abstract *furor,* cf. §34, §77, Lebreton 38, K–S 1.78. **cuius illi conatūs ... nec cuperent reprimere, si possent** "whose [= Clodius'] attempts they [= the consuls] would neither want to check, if they could," neatly complementing the second half of the sentence. The text is Madvig's correction of the transmitted *nec si cuperent reprimere possent,* which vitiates the *sententia;* cf. *Brut.* 287 (of imitating Thucydides' speeches) *imitari neque possim, si uelim, nec uelim fortasse, si possim.* On the difference between *cupio* and *uolo,* see §21n. *etiam si cupisset.* **ut ipse ratiōcĭnābātūr** "as he himself reckoned." The rare *ratiocinor* (lit. "to keep accounts, calculate") is found more often in C.'s rhetorical and philosophical writings; in the speeches elsewhere only at *Ver.* 20 and *Phil.* 2.55. Perhaps Clodius' supposedly calculated political machinations are emphasized, implying that his motives for murder are coldly and carefully thought through; this parallels the foregoing oxymoronic *cogitati furores.* The cretic-trochaic clausula may also have influenced C.'s word choice. **cum tantum beneficium ei se debere arbitrarentur** "since they would think they owed him a debt for such a great act of kindness," i.e. for killing Milo and clearing their path to the consulship (cf. §25). *ei* = *Clodio.* **frangere hominis sceleratissimi corroboratam iam uetustate audaciam:** *frangere* (lit. "to break") is a more vivid synonym of the foregoing *reprimere;* it is often found with *audaciam;* cf. e.g. *Phil.* 3.2 *auctoritate enim senatus consensuque populi Romani facile hominis amentis fregissemus audaciam.* The emphasis on *audacia* picks up the phrase *in ... tam audaci ... belua* at the beginning of the section. For *sceleratus* of C.'s enemies, cf. §8n. *sceleratos ciues. corroboro* "give strength to" (< *robur,* "oak tree") in the passive also carries the notion of "become mature with age" (*OLD* s.v. 1c); cf. e.g. *Catil.* 3.26 *memoriā uestrā, Quirites, nostrae res alentur, sermonibus crescent, litterarum monumentis inueterascent et corroborabuntur, Cael.* 41 *uarietatem dedit qua non modo haec aetas sed etiam iam corroborata caperetur;* cf. too Tac. *Ann.* 14.1.1 *uetustate imperii coalita audacia.*

33 **An uero, iudices, uos soli ignoratis:** *an* (*uero*) connotes surprise or indignation, and is often used to introduce a rhetorical question to the jurors; cf. §8n. *An est quisquam qui hoc ignoret, Man.* 33 *an uero ignoratis, Font.* 33 *an uero dubitatis, iudices.* C.'s indignation is underscored in this tricolon (*An uero ... aures*) of incredulous questions by repetition of *uos*

(or *uestrae*) and the questions' obvious ridiculousness. **uos hospites in hac ūrbĕ uērsāmĭnī, uestrae peregrināntŭr aūrēs neque in hoc peruagato ciuitatis sermōnĕ uērsāntūr:** here C. all but admits that he is dealing only with rumors and innuendo in what follows. *hospites* is predicate, "as visitors." *uestrae* is emphasized by being fronted and separated from *aures*; the idea of someone's ears being abroad is of course deliberately absurd. The rhyme between *peregrinantur* and *uersantur* is perhaps sought out; the rhythms certainly are. *peruagor* (lit. "wander, rove"), especially in the perfect participle, is constantly used in C. of widespread speech and the like (*TLL* x.1.1818.9–29), but here the word is particularly well chosen among metaphors of travel and movement. Roman ears, including C.'s, seem generally not to have been as offended by verbal repetitions (*uersamini … uersantur*) as ours today, although different authors have different practices: see Wills 1996: 473–7. For C.'s thought here, cf. *Rab. Perd.* 28 *adeone hospes <es> huiusce urbis, adeone ignarus disciplinae consuetudinisque nostrae ut haec nescias, ut peregrinari in aliena ciuitate, non in tua magistratum gerere uideare?*, *De orat.* 1.249 *ne in nostra patria peregrini atque aduenae esse uideamur*, *Ac.* 1.9 *nos in nostra urbe peregrinantes tamquam hospites tui* [= *Varronis*] *libri quasi domum deduxerunt.* **quas ille leges … fuerit impositurus nobis omnibus ātque ĭnūstūrūs:** what laws? None is mentioned, and it is improbable that a praetor in the fifties BC would have an extensive legislative agenda (see Brennan 2000: II.471–5; otherwise Tatum 1999: 236–9). C. seems rather to be trading on optimate fears and rumors more generally, and making a brave front of his bluff by insisting in the previous sentence that surely the jurors must know what he is talking about (though cf. §87n. *incidebantur iam domi leges quae nos seruis nostris addicerent* for one possible "law"). The indirect question depends on the preceding *sermone*; for the uncommon but not irregular composite *fuerit impositurus* ("was going to impose"), see K–S I.162, II.410. The addition of *atque inusturus* secures rhyme and a cretic-trochaic clausula; the vivid verb, perhaps triggered by *faces*, implies that these laws will be "branded" on the Roman people (as if they are slaves?) and will not be able to be undone. Cf. *Pis.* 30 *quae lex priuatis hominibus esse lex non uidebatur, inusta per seruos, incisa per uim, imposita per latrocinium*, Nägelsbach 1905: 586. **si leges nominandae sunt ac non faces urbis, pestes rei publicae:** a typical Ciceronian *correctio*, made solely to damn Clodius still further; cf. e.g. *Dom.* 128 *si illa lex est ac non uox sceleris et crudelitatis tuae.* A decade earlier C. had repeatedly accused Catiline of wanting to set fire to the city (cf. e.g. *Catil.* 1.32 *faces ad inflammandam urbem*), perhaps with real justice, although Catiline surely had no intention of destroying the city, as C. seems to imply (cf. Dyck ad *Catil.* 1.3, Berry 2020: 34, 275 [index s.v. "plan to burn Rome"]). In the case of Clodius the charge has simply become a slanderous

metaphor. *pestis rei publicae* is a common Ciceronian term of abuse from the *Catilinarians* onwards (*Catil.* 1.30, *TLL* x.1.1929.46–63, Opelt 1965: 137–8); cf. §40 *illam pestem,* §68 *cum illa ipsa taeterrima peste,* §88 *pestis illa.* **exhibe, exhibe quaeso:** C. turns aside to address Sextus Cloelius, a digression whose ironically over-the-top style is deployed in a savage attack on Cloelius. *geminatio* to intensify an imperative is common in C.; cf. e.g. *Ver.* 1.143 *dic, dic quaeso clarius* (further examples in Wills 1996: 89). C. oftens joins these paired imperatives with a vocative, as here, which is not usually inserted between the imperatives (though cf. the close of *Fam.* 14.2.4 *ualete, mea desideria, ualete*), hence the variant *exhibe, quaeso, Sexte Cloeli, exhibe* (T) should be rejected. **Sexte Cloeli:** Sextus Cloelius (*RE* s.v. *Clodius* 12) was one of Clodius' most trusted lieutenants, a public *scriba* who evidently helped him especially in drafting laws (cf. e.g. *Dom.* 83 *scriptore legum tuarum,* 47–8, 129, *Sest.* 133, *Har.* 11, Quint. *Inst.* 9.2.54 [reading *Cloelius*]). For the name *Cloelius* (not *Clodius*), see Shackleton Bailey 1960 (= 1997: 13–14; further 15–18, 149–50); for his relatively well-off social status and profession of *scriba,* together with a full collection of testimonia, Damon 1992 (slightly differently Tatum 1990, 1999: 115). After Milo's trial, Cloelius himself was prosecuted *de ui* and went into exile (Asc. 55–6C, *TLRR* 315); he was eventually recalled by Antony's intervention after Caesar's death (Damon 1992: 238, Kelly 2006: 199). **librarium illud legum uestrarum** "that notorious [*OLD* s.v. *ille* 4c] book-case containing your laws." More insinuation about a supposed Clodian legislative program. *librarium* "book-case, library" is very rare (elsewhere only at Amm. 29.2.4 and a mention in the pseudo-Suetonian *Differentiae*: *TLL* VII.2.1347.75–80), and is perhaps mock-grandiose for *capsa* vel sim. *uestrarum* = "yours and Clodius'," but perhaps also carries a derogatory sense of "you people." **quod te aiunt eripuisse e domo et ex mediis armis turbaque nocturna tamquam Palladium sustulisse:** yet more innuendo and unsubstantiated rumor about these laws. The *domus* is Clodius', where his corpse was brought just before nightfall the day that he died. A huge crowd of mourners then gathered (*nocturna turba*; cf. Asc. 32C *maxima multitudo magno luctu corpus in atrio domus positum circumstetit*), whom C. humorously describes as armed (*ex mediis armis* with *turba* by hendiadys) – if they were armed, they of course posed no threat to Sextus Cloelius. The most famous Palladium was a wooden statue of Athena (*Palladium* < *Pallas*) that guaranteed Troy's safety (*OCD* s.v.); in the Trojan War it was stolen by Odysseus and Diomedes, paving the way for the city's downfall. In the Roman tradition the Palladium was eventually brought to Rome, either because Aeneas somehow rescued it as he was fleeing Troy (Dion. Hal. *Ant.* 1.69, Paus. 2.23.5) or because Diomedes, having settled in Italy, ultimately returned it to Aeneas and the Trojans (e.g. Serv. ad *Aen.* 2.166).

It was then kept as a talisman for Rome's protection in the inner sanctum of the Temple of Vesta; when the temple burned in 241 BC, the Palladium was rescued by the *pontifex maximus* L. Caecilius Metellus, who was blinded in the process. Given C.'s reference to armed crowds at night, it seems likely that he is referring to Aeneas' snatching the Palladium during the night-time sack of Troy, but in a tradition as variegated as this, multiple allusions may be felt; on the Palladium myths in the late Republic more generally, see Assenmaker 2007. It is perhaps more likely that the variant *extulisse* (E) for *sustulisse* (T) is a mistake influenced by the preceding *eripuisse* than that a scribe substituted *sustulisse* for *extulisse.* **ut praeclarum uidelicet munus ... deferre posses** "so that you might confer a *marvelous* gift [*OLD* s.v. *munus* 5]." Heavy irony underscored by *uidelicet* (*OLD* s.v. 3; < *uidere* + *licet*, "it's plain to see"), which also separates the noun group *praeclarum munus,* throwing emphasis on the fronted *praeclarum.* When used as here with a second-person verb, *uidelicet* is almost exclusively ironic (Schrickx 2011: 173). On the unlikely possibility of a lacuna after these words, see the note on *laudare non possum* below. **instrumentum tribunatus** "toolkit of the tribunate." The *tribuni plebis,* unlike the praetor, really would have had a legislative agenda to enact through *plebiscita.* The word *instrumentum,* though primarily meaning "equipment, tools, apparatus" (*OLD* s.v. 1), may here also carry a hint of the legal sense "document, instrument" (*OLD* s.v. 5). **ad aliquem, si nactus esses, qui tuo arbitrio tribunatum gereret:** C. claims that the Clodians just wanted to find a tame tribune to carry out their commands; a tribune in the pocket of powerful interests was nothing unusual at this time (cf. e.g. Logghe 2016: 217–54 for discussion). *nactus esses* seems to be subjunctive in a generalizing condition (*NLS* §196), i.e. "if you managed to get your hands on such a someone," and pluperfect since Cloelius would have to find such a person before delivering the laws to him. But this usage is rare in C., and the subjunctive could simply be due to attraction. **et aspexit me:** C. breaks off his direct address to Cloelius, notionally speaking to the jurors about Cloelius' supposed reaction to this harangue, creating an illusion of actual delivery. Quintilian (*Inst.* 9.2.56) cites this as an instance of a *breuior digressio.* While it does not pertain to C.'s argument on Clodius' motivations, it still effectively damns Clodius and the Clodians, and perhaps covers up the weakness of C.'s reasoning about Clodius' motives. **quibus tum solebat cum omnibus omnia minabatur** "as he was then accustomed to do when he was threatening everyone with everything." The historical situation, if there was one and this is not just vague slander, is unknown; the imperfects militate against the idea that C. refers to a single speech given on some occasion like the burning of Clodius' corpse. The polyptoton of *omnibus omnia* is extremely

common (*TLL* IX.2.620.3–19); cf. e.g. *Ver.* 1.128 *quid est aliud omnibus omnia peccata et maleficia concedere nisi hoc* etc. **mouet me quippe lumen curiae!** "The 'light of the senate' really has me worried now!" C. mockingly describes the effect that Cloelius' supposed scowling has on him. In a sarcastic pun, he uses *lumen*, "leading light" (*OLD* s.v. 11; cf. §21n. *delegit ex florentissimis ordinibus ipsa lumina*), of the man who literally lit the Senate House on fire (Asc. 46C). Emphatic word order points the irony, as the subject is postponed to the end of the sentence, and enclitic *me* leans on the fronted and focused *mouet.* The use of *quippe* here is in every way unusual: (1) elsewhere in C. it always stands first in a sentence (53x, e.g. §47; the tendency is the same in Latin more generally); (2) it is used with some kind of ironic force (relatively rare, but cf. e.g. Verg. *Aen.* 1.39 *quippe uetor fatis*); (3) it does not, as it usually does, introduce an explanation of the preceding sentence. The text is supported by Asconius' lemma, but the precise force of *quippe* is difficult to pin down (cf. Schrickx 2011: 136); it seems equivalent to an ironic "really." The observation of Lerche 1910: 36 that the phrase is missing only one foot to be a senarius (⏒ – *mŏuēt* | *mē quīppĕ lū*|*mēn cūrĭaē*) is interesting, but the near-verse is probably just a coincidence; cf. §29n. *nec imperante nec sciente nec praesente domino.* **quid?** adds a note of (mock) surprise to the question that follows (*OLD* s.v. *quis*[1] 10); this usage is a Ciceronian favorite (cf. §§35, 36, 40, 41, 64, 78, 79). **tu me tibi iratum, Sexte, putas:** *tu* is focused by being used at all, as well as by being fronted and (perhaps) hosting *me tibi* (if these are unemphatic pronouns); it will be repeated in first position throughout the following clauses. C. usually addresses his law-court opponents by only a single name; the *praenomen* is doubtless contemptuous (Adams 1978: 146, 162, Dickey 2002: 51–3). **multo crudelius etiam** "even more cruelly." *etiam* can be placed either before or after a comparative to strengthen it (K–S II.462), but it typically follows *multo* (*TLL* V.2.949.16–21), so postponing it here may create still more emphasis. **punitus es:** the deponent *punior* is rare but found perhaps seven times in C. (with MS variation; active *punio* appears securely transmitted 21x) and once apiece in Gellius and Apuleius (*TLL* X.2.2656.56–75). Quintilian's testimony guarantees it here (*Inst.* 9.3.6). It is hard to read much into the choice; prose rhythm does not appear to be a factor. *punio(r)* < *poenio(r)* < *poena* (cf. Gk. ποινή); the MSS here give variously *punitus*, *poenitus*, and *penitus* (= *poenitus* in a time when *ae*, *oe*, and *e* were pronounced the same). By C.'s day *punio* appears to be the normal orthography, in line with the general sound change of *oe* to *u*, on which see Leumann 65–6, Weiss 102. (Admittedly *poen-* is found in the only epigraphic attestation, *CIL* VI.18758 [1st or 2nd cent. AD]. The testimony of even old MSS is no guide, so e.g. in the fourth- or fifth-century Vat. lat. 5757: *Rep.* 2 fr. 5 Powell *pun-*, 3.9 Powell *poen-*).

quam erat humanitatis meae postulare "than my sense of humanity would have demanded." The genitives are of characteristic (or "predicate genitives": A–G §343c, G–L §366.R2); for *erat* rather than *esset*, see *NLS* §200. **tu P. Clodi cruentum cadauer eiecisti domo:** the ignoble funeral rites for Clodius' corpse. So begins an ascending tricolon bound together with anaphoric *tu* and rhyme (*eiecisti, abiecisti, reliquisti*); in each succeeding member the shame and indignity to which Clodius' body is subjected increases. This member features notable alliteration; *cruentus* "bloodstained" is a vivid adjective, and *cadauer* is rare (6x in C., in e.g. Caes. only 3x). *eicio* carries connotations of getting rid of something unwanted (*OLD* s.v. 1) as well as driving someone out of their property (*OLD* s.v. 5b); for parallel contemptuous treatment of corpses, cf. Hor. *S.* 1.8.8–9 *huc prius angustis eiecta cadauera cellis | conseruus uili portanda locabat in arca.* **abiecisti** not only moves neatly from *eiecisti*, but also is the *uox propria* for leaving a corpse unburied (*OLD* s.v. 7, *TLL* I.85.63–86.11); cf. e.g. §§86, 90, [Quint.] *Decl.* 6.11 *qui parentes in calamitate deseruerit, insepultus abiciatur.* **spoliatum imaginibus, [exsequiis,] pompa, laudatione:** Clodius is denied the usual accompaniments of an aristocratic funeral: a funeral procession (*exsequiae/pompa*) featuring ancestor masks (*imagines*; on which see §86n. *clarissimorum uirorum formas*) and culminating in a public eulogy (*laudatio funebris*); cf. §86 *sine exsequiis, sine lamentis, sine laudationibus,* [*sine funere*]. On Roman funeral practices, see Hope 2009: 65–96. *exsequiis* is redundant with *pompa*; because *pompa* in the sense "funeral procession" is relatively rare (*TLL* X.1.2595.37–58, only here in C.), because the two words are not elsewhere combined until late Latin, and because their combination here spoils a tricolon, *exsequiis* may be an intrusive gloss on *pompa*. For a parallel case of *exsequiae* intruding as a gloss, cf. Gervais 2019 (emending *Aen.* 7.5 *at pius exsequiis Aeneas rite solutis* to *at pius Aeneas sacris iam rite solutis*). **infelicissimis lignis semiustilatum** "half-burnt on a pyre of the most cursed wood." The phrase gestures at *arbor infelix*, a tree consecrated to the gods of the underworld (Macr. 3.20.3), which served as the gallows on which criminals were hanged (*OLD* s.v. *infelix* 2c); cf. e.g. Catul. 36.8 *infelicibus ustulanda lignis* (sc. *electissima carmina Catulli*). Clodius was not literally cremated on such wood, but rather on the benches and tables and documents found in the Senate House (Asc. 33C), and this too was inappropriate material for the task. The ignominy lies not in cremation – that was standard burial practice in the first century BC (Hope 2009: 81–4) – but in its slipshod and entirely inappropriate execution. Cf. *Phil.* 2.91 (of Caesar's cremation) *tu, tu, inquam, illas faces incendisti, et eas quibus* <u>*semiustilatus*</u> *ille est et eas quibus incensa L. Bellieni domus deflagrauit.* **nocturnis canibus dilaniandum reliquisti** "you left him to be torn apart by dogs at night." A feared fate of

venerable antiquity; cf. Hom. *Il.* 1.4–5 αὐτοὺς δὲ ἑλώρια τεῦχε κύνεσσιν | οἰωνοῖσί τε πᾶσι ("and made their corpses prey for dogs and birds of all sorts"). *nocturnis* adds an additional note of ill omen. For the gerundive with *relinquo,* cf. §31n. *quia se non iugulandum illi tradidisset.* **nefarie fecisti:** on *facere* + adverb, cf. §9n. *facere ... periculose.* **crudelitatem ēx-prōmpsīstī tŭām** "you exercised your cruelty," picking up C.'s earlier *crudelius.* The mild hyperbaton may add slight emphasis; it also secures a molossus-cretic clausula and perhaps points a contrast between clause-initial *meo* and final *tuam. expromo* "bring out" is often used metaphorically (*TLL* v.2.1804.18–45), although only here with *crudelitas*; cf. e.g. *Fam.* 13.6.4 *si omne genus liberalitatis ... exprompseris.* **laudare non possum, irasci certe non debeo * * *:** editors typically say "understand *quamquam* before *laudare*" or the like but offer inadequate parallels for such an omission. Furthermore, *certe* is not found elsewhere after a concessive clause (at *S. Rosc.* 53 read *certi* with Clark). This instead looks like an anacoluthon by which C. breaks off his sentence, almost shaking his head sarcastically, and moves hurriedly to a conclusion, picking up his earlier *tu me tibi iratum.* (Tony Corbeill [*per litt.*] alternatively suggests reading *laudare possum,* which is attractive, but C. probably could not praise the act that resulted in the burning of the Senate House.) This quick transition is deliberate: C. has not in fact done a very good job in establishing that Clodius had a vested interest in killing Milo, and rather than trying to dwell on that in conclusion, he instead offers a digressive attack on Cloelius – one which he breaks off just as abruptly as he had started, perhaps leaving the impression that he has proved much more than he really had. There is admittedly a lacuna after these words, but this looks like the end of the Cloelius digression (concluding *quare* capped by a *sententia*). It seems unlikely that C. embarked on any real conclusion about Clodius' motives here, and Victorinus' loose paraphrase of this passage need not mean that he did, merely that such a conclusion was implied or perhaps later stated explicitly (Mar. Victorin. in Cic. *Inv.* p. 130.6–13 Riesenweber, especially: *postremo concludit: "quare si habuit causas Clodius, ut occideret Milonem, constat insidiatorem fuisse"*; cf. e.g. the summarizing §52 *uideo ... constare ... omnia*). Such a conclusion here would not only be weak but also out of place, since C. turns immediately to Milo's (lack of) motives. In the palimpsest P the gap is due to the loss of the preceding folio, which would have begun at §32 *etsi nullo.* On that basis Peyron 1824: 224 (amplified by Clark 1918b: 292–4) calculated a lacuna of four or five lines on the preceding folio's verso, which he improbably sought to fill by adding after §33 *deferre posses* the fragment from Quint. *Inst* 9.2.54 and Schol. Bob. 173.7–9 St. (most likely in fact a fragment from the delivered

speech). Caution about the size of the lacuna is in order: (1) such calculations can be unreliable, especially since P can no longer be examined (it was destroyed by fire in 1904); (2) we do not know what was lost before the next sentence; and (3) it is a singular coincidence that P has a lacuna here in the same place as the other MSS: this may point to deeper corruption.

34 **<Videtis ... inter>fuerit:** P is the only witness to preserve even *fuerit ... sibi solutam*; cf. note above. It is certain that the gap contained something like the *exempli gratia* restoration here, but beyond that little can be said. For the construction of *interesse* "to be in someone's interest," see below. **occidi Milonem ... interfici Clodium:** Clodius' death is described in neutral terms; Milo's potential death more graphically (cf. §29n. *occisi sunt*). **conuertite animos ... ad** "turn your attention toward" (*OLD* s.v. *conuerto* 6; a common *iunctura*: *TLL* IV.862.25–40). **uicissim** "in turn, conversely." C. never uses *inuicem* (*Fat.* fr. 2 is not a verbatim quotation). **quid Milonis intererat** "why was it in Milo's interest?" *interesse* is construed with a genitive of the person concerned, or a feminine ablative singular of a pronoun (by analogy with *rēfert*), or occasionally with prepositions. **quid erat cur Milo non dicam admitteret, sed optaret?** "What was the reason that Milo – I won't say 'would have perpetrated' – would even have wanted [*sc.* Clodius' death]?" Cf. §21n. *non fuit ... cur.* Both *admitteret* (*OLD* s.v. 13 "become guilty of, commit, perpetrate"; cf. §64n. *si Milo admisisset aliquid*) and *optaret* are past potentials, i.e., their subjunctive is not solely dependent on the indirect question introduced by *cur.* When (*non*) *dico* means "(not) use the word" (*OLD* s.v. 5) it is usually inserted parenthetically without affecting the construction; cf. e.g. §35, *Sest.* 46 *cum summo non dicam exitio, sed periculo certe uestro*, *Phil.* 11.20 *cum dico mihi, senatui dico populoque Romano.* In this usage the first alternative is too strong and so, the speaker says, we must restrict ourselves to the second. *non dicam* thus differs from *ne dicam*, which latter pretends to apologize for a strong expression that the speaker really would like to say or imply (e.g. *Off.* 2.67 *admonebat me res ut ... intermissionem eloquentiae, ne dicam interitum, deplorarem*); see K–S I.824–5 (somewhat improbably taking *non dicam* as subjunctive), Gotoff ad *Deiot.* 2. **"obstabat ... Clodius.":** fronting the verb immediately supplies a hypothetical interlocutor's reason in response to C.'s question. **at eo repugnante fiebat** "but although Clodius was fighting against it, Milo was being elected (consul)"; for the rhetorical certainty of *fiebat*, cf. §25n. *eum porro ... consulem fieri uidebat.* This form of mock dialogue with question and answer is known as *subiectio*; the refutation of the questioner is, as

here, usually introduced by *at* (Lausberg §771–2). **immo uero eo fiebat magis:** corrects the preceding concessive ablative absolute: Clodius' opposition is rather the very reason that Milo's election was sure. This is a remarkably tendentious claim, but it suits C.'s rhetorical needs. **me suffragatore ... utebatur** "did he enjoy the support of me as a canvasser." C. threw his full support behind Milo's bid for the consulship (*Fam.* 2.6.3 *ego omnia mea studia, omnem operam, curam, industriam, cogitationem, mentem denique omnem in Milonis consulatu fixi ... neque uero cuiquam salutem ac fortunas suas tantae curae fuisse umquam puto quantae mihi sit honos eius, in quo omnia mea posita esse decreui*). A *suffragator* is anyone who supports a candidate, not just a voter (*OLD* s.v.); *utor* is a verb of wide application, often used with people as objects, but with no sense of objectification, and can be used as here with a predicate noun (*OLD* s.v. 10). **ualebat ... ualebant ... plus multo ualebat:** an ascending tricolon whose members are bound together, as often, by anaphora of a fronted verb. **apud uos, iudices:** there is some deliberate blurring of *uos* = "you the Roman people" and *uos* = "jurors," although strictly speaking the reference is to the jurors. **Milonis erga me remque publicam meritorum memoria:** cf. §6n. *multa praeclara in rem publicam merita.* Milo's services to C. include most signally helping to bring about his recall from exile (cf. §§38–9 with notes). **preces et lacrimae nostrae:** prayers and tears are often joined in an earnest entreaty; cf. e.g. *Sul.* 19. Roman attitudes toward (male) crying were complex, as such emotion could demonstrate both sincerity and a lack of self-control; so in this speech C.'s tears flow freely, while Milo refuses to weep (cf. e.g. §92n. *si in nostro omnium fletu nullam lacrimam aspexistis Milonis*, §95 *nec uero haec, ut ego nunc, flens*, §105 *neque enim prae lacrimis iam loqui possum, et hic se lacrimis defendi uetat*). On these complex attitudes, see Hall 2014: 99–128, Vekselius 2018. **tum:** i.e., during Milo's campaign for the consulship. **periculorum impendentium timor** "the terror of looming dangers." C. continues to appeal to the unnamed fears and prejudices of the *optimates*, making the trial a referendum on a partisan issue. C. develops this fear in the following sentence. *impendeo* "hang over" often carries the notion of "threaten" (*OLD* s.v.); cf. e.g. *Catil.* 2.28 *impendens patriae periculum.* **quis enim erat ciuium:** *quis* (...) *ciuis* is more usual (e.g. *Red. Sen.* 28 *eo die quis ciuis fuit qui fas esse putaret*); the only other exception in C. is *Pis.* 53 *quis tibi non dicam horum aut ciuium ceterorum sed tuorum legatorum obuiam uenit?*, where the form is demanded by parallelism with *horum*. Perhaps there is some grandiosity to the genitive. The rhetorical question introduces a relative clause of characteristic; it is implied that no such person exists. Although *est* commonly cliticizes on a focused first word of a clause and so displaces *enim* to third position (e.g. *Catil.* 4.16 *quis est enim cui ...*), *erat* almost never has

this effect (in C. perhaps the only true exception is *Q. Rosc.* 28 *quid erat enim Fanni?*, since in phrases like *opus erat enim* and *satius erat enim* the first two words form a unit). **solutam** "unchecked" (*OLD* s.v. 11), i.e. without a consul like Milo to offer a constraint. **rerum nouarum** "constitutional changes" or "revolution" (*OLD* s.v. *nouus* 10). **solutam autem fore uidebatis, nisi esset is consul** "you saw, moreover, that it would be unchecked, unless there was such a consul." A future condition in indirect speech, either "less vivid" ("ideal") or "more vivid" ("logical"); in *oratio obliqua* there is no distinction in form (*NLS* §280). *solutam* continues to act purely as an adjective. *autem* here is not adversative but simply adds more information (*OLD* s.v. 3). **qui eam auderet possētquĕ cōnstrīngĕrē:** a relative clause of characteristic, with a slight rise from "daring" to "being able." The conjunction of the two verbs with *-que* produces a double-cretic clausula. *constringo*, lit. "tie up," neatly opposes *solutam*; it is often used of restraining people (*OLD* s.v. 4). **eum Milonem unum esse cum sentiret uniuersus populus Romanus:** word order strongly emphasizes Milo's unique status as "the one," with *eum* fronted and further focused by slight separation from *unum*, and the whole infinitive phrase itself fronted before *cum*. Still further emphasis is provided by the antithesis of "one" Milo and the postponed subject, "the whole Roman people" (a very common phrase: *TLL* x.1.2716.25), and the assonance *<u>un</u>um ... <u>un</u>iuersus*; cf. §90 *ab uniuerso populo concessam uni ordini.* **quis dubitaret** "who would've doubted," past potential subjunctive (*NLS* §121). **suffragio suo se metu, periculo rem publicam liberare:** *suffragio suo*, which in effect modifies *liberare*, is moved earlier in the sentence for the juxtaposition *suo se*; *se metu, periculo rem publicam* are then arranged chiastically. *libero* "free from" is constantly found with *metu* (e.g. *Catil.* 1.10 *magno me metu liberaueris*) and *periculo* (e.g. §96 *nihil ... praestabilius uiro quam periculis patriam liberare*). **Clodio remoto:** yet another deliberately bland description of Clodius' death. **usitatis iam rebus enitendum est Miloni ut tueatur dīgnĭtātēm sŭām** "now Milo has to strive by the usual methods to safeguard his standing," i.e., as C. makes clear in the following sentence, he can no longer gain glory by resisting Clodius. The phrase *dignitatem tueor* is very common (e.g. *Lig.* 18 *quid egit tuus inuictus exercitus nisi uti suum ius tueretur et dīgnĭtātēm tŭām?*); the word order in both this and the quoted example secures a double-cretic clausula. **quae cottidie augebatur** "which daily grew." Strictly speaking, *in dies* (*singulos*) is more "correct" than *cottidie* when there is a notion of increase or decrease ("greater by the day" vs. "every day greater"): so §25 *hic magis in dies conualescebat, Catil.* 1.5 *crescit in dies singulos hostium numerus.* Cf. *Att.* 5.7.1 *cottidie uel potius in dies singulos breuiores litteras ad te mitto*, where C. recognizes the distinction. That same example, however, shows that C.

was prone to use *cottidie* in such cases, and he continues by saying: *cottidie enim magis suspicor te in Epirum iam profectum*; other such Ciceronian instances exist (*TLL* IV.1092.18–24). The etymology of the *cotti-* in *cottidie* is surprisingly opaque, but the orthography seems secure: the first syllable is guaranteed as long by Plautus (though *cŏtidian-* at Mart. 10.65.8, 11.1.2), and spelling with initial *qu-* is censured by Quintilian as pedantic (*Inst.* 1.7.6); *cottidie* is found seven times in inscriptions, *quottidie* once (*TLL* IV.1091.74–8). But where a hypothetical **quotti* (> **cotti*) comes from remains mysterious, and *quŏtannis* does not appear parallel; cf. Leumann 271 (otherwise de Vaan 2008 s.v. *quot*). **frangendis furoribus Clodianis** "by checking the mad schemes of Clodius' partisans." Cf. §32n. *frangere ... audaciam* and §32n. *in illis suis cogitatis furoribus.* **cecidit** "disappeared" (*OLD* s.v. 12b, "of abstract qualities"). There may be some play with the idea that Clodius too has "fallen" (*Clodi morte*); cf. *Off.* 2.45 *tua laus pariter cum re publica cecidit.* **uos adepti estis ... hic ... perdidit:** the contrast in what the jurors have "gained" and Milo has "lost" is emphasized by fronting the subject of each clause and joining them with asyndeton. The construction *adipiscor* + *ut/ne* is extremely rare, but cf. *Ver.* 3.51 *adepti sunt ut ... dies festos agitare possent* (the few other instances cited at *TLL* I.692.1–7 are not parallel). *adepti estis* may be a true perfect ("you have gained"), in which case the sequence of tenses is unusual but not impossible (K–S II.179, Lebreton 258), but "you gained ... he lost" also seems possible. **exercitationem uirtutis, suffragationem consulatus, fontem perennem gloriaē sŭaē pērdĭdīt:** a tricolon of ascending significance and precisely equal cola (ten syllables apiece), capped by a double-cretic clausula. *exercitationem uirtutis*, "(ground for) the cultivation of his virtue," is rare, but cf. *Sen.* 9 *artes exercitationesque uirtutum. consulatus* = "(bid for) the consulship," rhetorically assuming a *fait accompli.* The metaphor in *fons* ("wellspring, source") is common and still felt; cf. §103n. *omnes mihi meisque redundant ex fonte illo dolores.* For *fontem perennem*, cf. e.g. Ov. *Am.* 3.9.25–6 *adice Maeoniden* [= Homer], *a quo ceu fonte perenni | uatum Pieriis ora rigantur aquis.* **labefactari** "be shaken," a frequent metaphor in C. (*TLL* VII.2.766.35–49); cf. e.g. *Rab. Post.* 44 *ad labefactandam illius dignitatem.* **mortuo denique:** sc. *Clodio*, contrasting with *uiuo Clodio* preceding. **temptari coeptus est** "has begun to be tested"; C. wishes only to claim that there is now a competition, not that Milo will lose. Caesar and C. adhere strictly to the rule of *coepit* + active verb (including deponent and "middle" verbs), *coeptum est* + true passive; the usage of later authors varies: G–L §423 n. 3, K–S I.677–8, H–S 288. **nihil prodest sed obest etiam Clodi mōrs Mĭlōnī:** the rising contrast is emphasized by placing the verbs before their subject and by the wordplay in *prodest/*

obest (for which cf. *TLL* IX.2.265.35–72); postponing *Miloni* creates a ditrochaic clausula.

35 At introduces an imagined objection; cf. §15 *At enim.* The objector here tries to provide Milo with a motive, viz. the notorious enmity between Milo and Clodius (cf. e.g. Asc. 30C); doubtless the prosecution had said something along these lines. **quid?** cf. §33n. *quid?* **non dico:** cf. §34n. *quid erat cur.* **in illo maxima, nulla in hoc:** chiastic arrangement underscores the strongest possible contrast. This is again a remarkably tendentious claim. **quid uultis amplius?** "what more do you want?" A common Ciceronian rhetorical question; cf. e.g. *S. Rosc.* 32, *Ver.* 3.122, 152, *Clu.* 83. **quid enim odisset Clodium Milo** "why would Milo have hated Clodius?" *quid* = "why" (*OLD* s.v. *quis*[1] 16); *odisset* is potential subjunctive; because *odi, odisse* lacks a present tense, the pluperfect here is effectively the expected imperfect (*NLS* §121). **segetem ac materiem suae gloriae:** loosely, "the raw material from which he could harvest his glory." *seges,* lit. "a field of standing grain" or "arable land," is not commonly used in a figurative sense (Quint. *Inst.* 8.6.7 cites this as an "ornamental" metaphor), but cf. Acc. *trag.* 115 Ribbeck[3] *quod beneficium haut sterili in segete, rex, te obsesse* [= *obseuisse* < *obsero*] *intelleges.* For *materia* (*-es*) *gloriae,* see Liv. 6.7.3 with Oakley. *materi̲a̲m* is transmitted by the palimpsest P and one MS of Quintilian, *materi̲e̲m* by all other witnesses; the fifth-declension forms are older and seem to prevail in C. (N–W I.562–3; the precepts of Zumpt ad *Ver.* 2.7, 5.80 and Madvig ad *Fin.* 3.61, viz. that C. preferred the fifth-declension forms in the nominative [Zumpt] or nominative/accusative [Madvig] and the first-declension elsewhere, are too simplistic). The change from *-em* to *-am* is more likely than vice versa, and although recent editors seem moved by the palimpsest, *-em* should probably be retained here, as it is universally at §74 (where it is transmitted by the palimpsest too). **praeter hoc ciuile odium** "beyond the hatred we feel as citizens." The phrase *ciuile odium* occurs in this sense only here in classical Latin (Luc. 7.490 is different). **quo omnes improbos odimus** "by which we hate all the wicked." *quo* is a so-called cognate ablative (H–S 125 with examples); cf. Catul. 14.3 *odissem te odio Vatiniano,* Liv. 2.58.5 *odisse plebem plus quam paterno odio.* Here *omnes* could be nominative or accusative, but word order favors the accusative, as does general sense: Milo has no special dislike for Clodius, only what he would have felt toward any wicked man. **ille erat ut odisset** "*he,* Clodius, it was a fact [*OLD* s.v. *sum* 7] that *he* hated ...," if the text is right. The fronting of *ille* (which goes with *odisset*) would give it the strongest possible contrastive focus with the foregoing description of Milo. But such a hyperbaton is hard to parallel (cf. K–S II.237, explaining it as simply emphatic). Clark proposed *illi,* intending

"he had reason to hate," but *erat ut* does not mean *erat cur* (not even at Clark's cited *Cael.* 14). Easier would have been a result or generic clause (*ille erat talis ut* vel sim.). **uexatorem furoris:** a pointedly paradoxical phrase, as Milo is envisioned turning the tables on Clodius using Clodius' "own verb"; elsewhere in this speech it is Clodius who does the harassing with *uexare*: cf. §4 *diu uexati a perditissimis ciuibus*, §24 *cum statuisset omni scelere in praetura uexare rem publicam*, §26 *Etruriamque uexarat*, §87 *uexarat in tribunatu senatum ... coniugem meam uexarat*, §89 *quis in eo praetore consul fortis esset per quem tribunum uirtutem consularem crudelissime uexatam esse meminisset?* The word *uexator* ("one who harasses") is exclusively Ciceronian property, used 8x elsewhere and with a very negative connotation each time (e.g. *Ver.* 2 *uexatorem Asiae*, *Har.* 48 *rei publicae uexator*, *Phil.* 3.27 *custosne urbis an direptor et uexator esset Antonius?*). Within the member introduced by *deinde*, *suus* has to be expressed only once. For Clodius' *furor*, cf. §3n. *P. Clodi furor.* **domitorem armorum suorum:** i.e., in numerous scuffles between the rival gangs; cf. e.g. *Att.* 4.3. **accusatorem suum:** in 57 BC Milo twice accused Clodius under the *lex Plautia de ui* (cf. §39, *Sest.* 89 with Kaster, *Red. Sen.* 19, *Att.* 4.3.2, *TLRR* 261–2); for the law, see §13n. *erant enim leges, erant quaestiones.* This argument hardly coheres with C.'s previous reasoning: if Milo managed to convict Clodius, he would likewise lose his source of glory. **[reus enim Milonis lege Plotia fuit Clodius] quoad uixit:** Bake 1852: 291 suggested deleting this whole phrase as a gloss, but recent editors have not followed his lead. Bake had questioned its Latinity, but on that score it appears faultless (for *reus* + genitive of prosecutor, see *OLD* s.v. 2d; for *reus* + ablative of law, cf. e.g. *Fam.* 8.8.1 *M. Tuccium ... post ludos Romanos reum lege Plotia de ui fecit*, *Clu.* 115, 159, *Rab. Post.* 12, *Vat.* 37). It is, however, both a plodding explanation to tack on, and one that does not make much sense. Clodius was not facing another accusation by Milo when he died – otherwise C. would not have said Clodius was "twice" accused in §39 and he would have made heavier weather of the charge – and it strains belief to claim that Clodius was subject to some perpetual and metaphorical charge under the *lex Plautia.* But the glossator's work stops at *Clodius*; *quoad uixit* look like C.'s words, and they fit the context: Clodius hated Milo "as long as he lived." (Admittedly the position of *quoad uixit* is still uncomfortable.) **tyrannum illum:** a strong and unusual metaphor for someone who does not really rule anything; cf. *OLD* s.v. 3. **quantum odium illius (et in homine iniusto quam etiam iustum) fuisse?** "how great [sc. *creditis*, do you think] was his hatred – and in such an unjust man how justified too!" *illius* is subjective genitive, i.e. Clodius' hatred. There is a paradoxical play on words in *iniusto/iustum*: granted that Clodius is "unjust," his hatred is fully "justified"; cf. §11n. *iniusta poena luenda ... iusta repetenda.*

Character (§§36–43)

C. claims that Milo was peaceful by nature, whereas Clodius was lawless and violent, and so it is more likely that Clodius attacked Milo (*probabile ex uita*: Lausberg §376). This argument is introduced in response to an apparent claim by the prosecution that it was Clodius who had a gentle disposition. It is not hard for C. to point to Clodius' unsavory actions, but this is again a fundamentally tendentious argument: Milo was no saint. C. also engages here in his typical *post reditum* self-justification, focusing much of his attention on the injustice of his own exile and Milo's signal services as tribune in bringing about his recall (see Introduction pp. 3–4). He conveniently ignores his earlier promise not to exploit Milo's tribunate to secure his acquittal (§6 *T. Anni tribunatu rebusque omnibus pro salute rei publicae gestis ... non abutemur*). This whole argument is really a red herring: C. is happy to talk about something other than the facts of the fatal encounter on the Appian Way.

36 Reliquum est ut "there remains the argument that." A very Ciceronian form of transition (*ca.* 21x in C., e.g. §23, 5x in other authors), here used in introducing an opposing claim to be refuted; cf. *S. Rosc.* 77 *reliquum est ut per seruos id admiserit.* **ut iam illum natura ipsius consuetudōquĕ dēfēndāt, hunc autem haec eadem coarguant** "that his own nature and way of life defend Clodius, but that these same things condemn Milo," evidently an argument made by the prosecution. Parallel structure sharply points the contrast between the two sentences. *illum* = Clodius, *hunc* = Milo; cf. §12n. *huius ambusti tribuni plebis. natura* is innate character, *consuetudo* is a chosen way of life; the pairing of the two thus embraces inherited and acquired characteristics both, and connection with *-que* secures a cretic-trochaic clausula. For singular *defendat*, cf. §14n. *cum inesset ... uis et insidiae*; the shift to plural *coarguant* is natural with the summative *haec eadem. ipsius* is in effect reflexive, used here instead of *sua* because the grammatical subject of the sentence is not *Clodius*; cf. e.g. *Brut.* 329 *illum uidetur felicitas ipsius ... morte uindicauisse*, Lebreton 143–5, *TLL* VII.2.302.75–303.22. *coarguo* is a technical term meaning "show to be guilty" (*OLD* s.v. 3), and so is set in opposition to *defendo.* **"nihil per uim umquam Clodius, omnia per uim Milo"** "not a thing did Clodius ever do by violence, (whereas) Milo did everything by violence." This sentence is placed in apposition to the previous one, justifying and explaining it. C. presents this claim as though repeating his opponents' words, but his is surely an exaggerated caricature of anything they would have dared to say. The parallel structure points the antithesis; postponing *Clodius* and *Milo* is likewise emphatic. For the colloquial omission of *fecit* vel sim., cf. §28n.

sine uxore, quod numquam fere. **quid?** cf. §33n. *quid?* **ego, iudices, cum maerentibus uobis urbe cessi:** *ego* is strongly fronted by being not only pulled out of its clause, but also placed before the vocative *iudices*. This strong placement marks a shift in focus to C. himself. Through §37 C. will talk about his exile, ostensibly to show that Clodius was disposed to violence, and perhaps also to add his own authority to Milo's cause. While it is hard not to feel that C. is more concerned with his own self-justification than anything else (as he so often is after his return to Rome), it should be noted that this defense strategy in effect allows C. himself to serve as a character witness for Milo (and character witnesses had been banned under Pompey's laws). For *maerentibus uobis*, cf. *Red. Pop.* 8 (the senate and 20,000 men don mourning clothes at the prospect of C.'s exile; cf. Plut. *Cic.* 31.1, Dio 38.16.3); mention of this detail again serves as an apologia. C. constantly uses the verb *cedo* to describe his exile, claiming that it was a voluntary departure to save the citizens of Rome from Clodius' madness by a noble sacrifice of self; cf. e.g. *Sest.* 36 *cessi tribuni plebis, despicatissimi hominis, furori* (further Robinson 1994a: 479–80, Grillo ad *Prov.* 23). **iudiciumne timui** "was it a court of law that I feared?" *-ne* attaches to the emphatic word in a question. C. will claim that Clodius had intended no legitimate legal proceedings against him. **non seruos, non arma, non uim:** a tricolon with anaphora and a thudding final monosyllable. Cf. §10n. *insidiatori ... quae potest inferri iniusta nex?* Since the prosecution had claimed that Clodius did not act *per uim*, C. chooses that word to emphasize. **quae fuisset igitur ... eiciendi:** the precise grammatical parallelism underscores the antithetical sentiment. *esse* and personal pronouns have a very strong tendency to cliticize on the relative/interrogative pronoun, hence *igitur* is usually, as here, displaced to "third" position in such sentences; cf. e.g. *S. Rosc.* 2 *quae me igitur res, Ver.* 3.225 *quae est igitur defensio?* **diem mihi, credo, dixerat** "he had served a summons [*OLD* s.v. *dies* 7b] on me, I believe." Parenthetical *credo*, as usual, marks the irony (*OLD* s.v. 8c): C. claims that this is the first of a number of legitimate proceedings against him that Clodius could have initiated but did not, preferring instead to rely on force and intimidation. (C. could have been prosecuted by anyone at any point after 5 December 63, e.g. under the *lex Sempronia de capite ciuis Romani* of 123 BC, which guaranteed a Roman citizen's right to appeal to an assembly of the people before punishment [cf. Lintott 1999b: 163–73]. But no one, including Clodius, chose to do so.) In theory any Roman citizen with standing in a case could issue a summons to compel a defendant to appear before a praetor (Greenidge 1901: 141–5, Crook 1967: 74–6), but Clodius, as tribune, also had the power to summon C. to a trial before the people (*iudicium populi*), and this is what C. is referring to here. In such a trial the tribune summoned the accused

to an *anquisitio*, consisting of three *contiones* on three days with a day's separation between each. The tribune would propose a penalty at the end of each *contio*. If the accused confessed, the penalty was assessed straightaway. If not, a fourth *contio* took the form of a formal hearing, either before the *comitia centuriata* (for a capital trial) or before the *comitia tributa* or *concilium plebis* (for a fine); the people's vote decided guilt or innocence. The *iudicium populi* was relatively rare in the late Republic, but a number of cases in C.'s lifetime are attested (e.g. Clodius' prosecution of Milo in 56: *TLRR* 266). The procedure is described at *Dom.* 45 (see Nisbet ad loc.), summarized by *CAH* IX².501–3 and Bauman 1996: 10–11, and discussed in detail by Greenidge 1901: 344–66. **multam irrogarat** "he'd levied a fine on me." A *multa* (< Oscan–Umbrian, not connected with the adjective *multus*) is one of the two punishments a prosecutor could propose before a *iudicium populi*; *multam irrogare* is a technical term of law for proposing a punishment in such a trial (*OLD* s.v. *irrogo* 1, *TLL* VII.2.437.76–82). For the sequence, cf. Pl. *Capt.* 494 *is* [= *iis*] *diem dicam, irrogabo multam.* **actionem perduellionis intenderat** "he'd brought a charge of treason against me." The alternative in a *iudicium populi* is a capital charge, like the archaic *perduellio*, "high treason." This charge was mostly obsolete by the late Republic, although it was used against C. Rabirius in 63 BC (see Greenidge 1901: 354–9). The word itself is an archaic holdover: *perduellio* ~ *perduellis* = *hostis*; in general *du-* > *b* in classical Latin, e.g. *duellum* > *bellum* (Weiss 161). **et mihi uidelicet ... iudicium timendum fuit** "and it was of course the verdict of a court that I had to fear," more irony, marked by *uidelicet* (always used ironically with first-person verbs and their equivalents: Schrickx 2011: 155). For the perfect *fuit*, cf. §18n. *non fuit illud facinus puniendum.* **in causa aut mala aut mea, non et praeclarissima et uestra** "in a case that either was bad or at any rate concerned me alone, not one that was both most glorious and affected all of you." The "case" is C.'s execution of the Catilinarian conspirators, which he claims was a noble deed done for the benefit of all the citizenry rather than a private action for which he should feel ashamed. The disjunctive *aut ... aut* gives way to *et ... et* in the parallel but antithetical second half of the phrase, in which the drawn-out superlative sequence *nōn ēt praēclārīssĭm(ā) ēt uēstrā* also outweighs and corrects the relatively short *aūt măl(ā) aūt mĕā.* **seruorum et egentium ciuium et facinorosorum** "of slaves and of impoverished and wicked citizens," adversative asyndeton contrasting the real cause with the irony of the previous sentence. The fronted genitives throw emphasis on the nefarious Clodians, gangs made up of the dregs of society (cf. e.g. *Dom.* 54, Lintott 1999b: 76–88). Deleting *ciuium* is superficially attractive (so suggested by Clark 1895, although he reluctantly retains the phrase in his later OCT): the phrase here might

appear unbalanced with two words in its second member; C. will refer to *meos ciues* just below; and *egens* is often used substantively (*TLL* v.2.239.33–240.27). But in fact *ciuium* is a necessary contrast to *seruorum* here, and C.'s *meos ciues* points a second necessary contrast; furthermore, *egens* is commonly used as an attribute as well: cf. e.g. *Dom.* 25 *homini egentissimo et facinorosissimo* (*TLL* v.2.239.8–32). This is thus an instance of "good men and true" word order, on which cf. §42n. *omnia ... intuemur. egeo* "lack" is used especially of money (*OLD* s.v. 2c), often with a pejorative sense (e.g. *Pis.* 12 *egere sordidissime Gabinium*); *indigeo* (< *indu-* + *egeo*) is much rarer (only 4x in C.'s speeches) and seems not to carry the same pejorative sense; *careo* is the most common (269x in C.; *egeo* 117x) and most neutral. The orthography *facinorosus* is much better attested in C.'s MSS than *facinerosus* (*TLL* VI.1.76.36–7). **meos ciues ... pro me obici nolui** "I refused to allow my citizens to be exposed to [*OLD* s.v. *obicio* 6b] on my behalf," i.e., C. claims that he departed into voluntary exile to protect the citizenry from further danger; he repeats this claim with slight variation in the next section (*obici pro me*). The strong contrast with the foregoing is underscored by placing *meos* before *ciues*. The perfect of *nolo* often means "I refused" (*OLD* s.v. 1b), whereas the imperfect means "I didn't want." For the whole phrase, cf. *Fam.* 1.9.13 *qui meos ciues et a me conseruatos et me seruare cupientes spoliatos ducibus seruis armatis obici noluerim.* **meīs consiliīs periculīsquĕ sēruātōs:** whether from a tendency to self-praise or in line with cultural conventions and expectations, C. highlights his own wisdom and the risks he took in saving the city from the Catilinarians. In the *post reditum* speeches C.'s boasts of "saving" the citizenry during his consulship are often repeated; cf. §73n. *quem senatus, quem populus Romanus, quem omnes gentes urbis ac uitae ciuium conseruatorem iudicarant*, *Red. Pop.* 17 *ut omnium testimonio per me unum rem publicam conseruatam esse constaret.* (On C.'s *post reditum* persona, see May 1988: 88–127, Nicholson 1992, Riggsby 2002; for vigorous argument that C.'s self-praise is fully in line with Roman cultural conventions, Allen 1954 and Kaster 2020 – but note that already in antiquity C. was notorious for his boasting about his career: cf. e.g. Quint. *Inst.* 11.1.17.) The same language is already found in the *Catilinarians* themselves, e.g. *Catil.* 3.1 *rem publicam, Quirites, uitamque omnium uestrum, bona, fortunas, coniuges liberosque uestros atque hoc domicilium clarissimi imperi, fortunatissimam pulcherrimamque urbem ... laboribus, consiliis, periculis meis e flamma atque ferro ac paene ex faucibus fati ereptam et uobis conseruatam ac restitutam uidetis.* For the joining of *consilia* and *pericula* (usually with *labores* as well), cf. e.g., in addition to the passage just quoted, *Sul.* 33, *Dom.* 93 *ego respondere soleo meis consiliis periculis laboribus patriam esse seruatam.* The phrase *consiliis periculisque seruatos* secures a cretic-trochaic

clausula by the doublet with *-que* (which also adds nuance) and use of the simple *seruare* rather than C.'s slightly more usual *conseruare.*

37 **uidi enim, uidi:** for the *geminatio*, cf. §21n. *Non fuit ... profecto non fuit cur*; here it is emotive and emphatic. **hunc ipsum Q. Hortensium, lumen et ornamentum rei publicae:** *hunc* is deictic, gesturing to Hortensius in the court, present in support of Milo (cf. Asc. 34C, 44C); *ipsum* magnifies Hortensius' importance, as does the presence of his praenomen and the appositive phrase (for the appositive, cf. §21n. *delegit ex florentissimis ordinibus ipsa lumina*). The arch-optimate Q. Hortensius (*RE* 13) Hortalus (114–50 BC, cos. 69) and C. had a long and fraught relationship. Early in C.'s career, they were rivals: Hortensius was Rome's foremost orator until C. defeated him in the trial of Verres (70 BC), and their social status and politics differed; they were on opposite sides in the debate over Pompey's special command in 66. Despite this initial rivalry, after C. became consul and aligned himself with the *optimates*, the two began working together, including in defense speeches (C. Rabirius Postumus and L. Licinius Murena in 63, P. Sulla in 62). But C.'s exile brought a new strain in their relationship, as C. thought Hortensius was only too happy to get rid of a rival by urging a voluntary retreat (cf. *Att.* 3.9.2, *Q. fr.* 1.3.8, Dio 38.17.4). Atticus seems to have patched up the relationship (cf. *Att.* 4.3.3, 4.6.3, Nep. *Att.* 5.4), and they remained close after C.'s recall (they again worked together in trials for Sestius and Caelius in 56, Plancius and Scaurus in 54, and in the preliminary proceedings for the present case; Hortensius also urged C.'s co-option as augur in 53). Nevertheless, people generally believed that there was still a rivalry at the time of Hortensius' death in 50, although C. denied it (*Brut.* 2 *non, ut plerique putabant, aduersarium aut obtrectatorem laudum mearum*). For C.'s rose-tinted reminiscences of Hortensius' career, see *Brut.* 1–2, 301–3, 313–24; for a critical examination of the relationship, Dyck 2008. **paene interfici seruorum manu cum mihi adesset** "almost being killed by a band of slaves when he was offering me his support." C. continues to describe the violence of Clodius and the Clodians in the lead-up to his exile. For this incident, cf. Dio 38.16, where Hortensius is sent in vain to intercede with the senate on C.'s behalf. C. is employing selective memory; in fact, he was deeply distrustful of Hortensius' conduct around his exile: cf. the previous note. For *manus* "band" (*OLD* s.v. 22b), cf. §20n. *ex P. Clodi telis et ex cruentis eius manibus.* The present tense of *interfici* is vivid: C. claims to have seen this as it took place. **qua in turba** "and in that riot." "Disorder," not "crowd," is the primary meaning of *turba* (*OLD* s.v. 1b, < τύρβη "confusion, tumult"); cf. e.g. *Q. fr.* 2.3.2 *fuga operarum, eiectus de rostris Clodius; ac nos quoque tum*

fugimus, ne quid in turba (sc. *pateremur* vel sim.). **C. Vibienus ... ita est mulcatus ut uitam amiserit** "C. Vibienus ... was so badly beaten up that he lost his life"; for the phrase, cf. e.g. Ter. *Ad.* 89–90 *ipsum dominum atque omnem familiam | mulcauit usque ad mortem.* The perfect *amiserit* expresses an actual result (*NLS* §164, K–S II.188); cf. §30n. *ut ne se quidem seruare potuerit quin una rem publicam uosque seruaret.* Of C. Vibienus (*RE* 3) essentially nothing is known beyond this passage, but the MSS of Asc. 32C have him still alive in 52 BC to be crushed in the riots after Clodius' death (*compluresque noti homines elisi sunt, inter quos C. Vibienus senator*). C. may exaggerate or bend the truth at times, but he could not lie about a plain fact only a few months in the past, and so either Asconius has made a mistake or there is something wrong with his transmitted text. (The idea that C.'s passage is interpolated from Asconius seems exceptionally improbable.) It is further unlikely that Asconius, in a speech he had studied so carefully, would mistake C.'s plain statement here. The most likely explanation is that Asconius' *inter quos C. Vibienus senator* is interpolated from C.; note the exact repetition of *senator.* (With that interpolation accepted, the humanist emendation *uisi* for *elisi* in Asc. is a further improvement: see Rinkes 1861: 216–17, who notes that C. surely would have mentioned people crushed to death at Clodius' funeral if he could have.) For a possible identification of C. Vibienus with a contemporary pottery manufacturer from Arretium, see Wiseman 1963: 276–80. **cum hoc cum esset una** "when he was together with this man." Fronting *cum hoc* is for emphasis, said (notionally) with a gesture to Hortensius in the court, not because of any potential awkwardness with two *cums* (cf. *cum esset cum* + ablative at *Arch.* 6, *Sest.* 8, *De orat.* 2.240; for our pattern, cf. *Fam.* 3.6.2 *ut mihi cum illo cum loquerer tecum loqui uiderer*). **sica illa quam a Catilina acceperat:** for the nefarious force of *sica,* cf. §18n. *extorta est ei confitenti sica de manibus.* Clodius was in no literal sense a Catilinarian; indeed, he had prosecuted Catiline *de repetundis* in 65 BC (*TLRR* 212) and in 63 appears to have been firmly on C.'s side (Plut. *Cic.* 29.1 προθυμοτάτῳ συνεργῷ καὶ φύλακι τοῦ σώματος, C.'s "most eager supporter and bodyguard," with Lintott, although one might wonder about the even-handedness of Plutarch's sources). Furthermore, in 63 Clodius supported L. Murena, who was not only Catiline's competitor for the consulship but seemingly one of his staunchest enemies (as emphasized by Tatum 1999: 59–60). Asc. 50C is wrong to say that C. often charges Clodius with having been a member of the Catilinarian conspiracy (more subtly Schol. Bob. 172.14–15 St.); in fact he never does, and he surely would have done so with relish had it been plausible. But, especially in the *post reditum* speeches, C. does present Clodius as a new Catiline: see in detail Kaster ad *Sest.* 42. Furthermore, some of Clodius' supporters were probably ex-Catilinarians: see Lewis

1988. It is in these senses that Clodius is heir to Catiline's dagger. **conquieuit** "rested." For the metaphorical sense, cf. *TLL* IV.354.9–16. **haec ... huic ... haec ... haec ... haec eadem:** strongly emphatic anaphora focusing the audience's attention on the *sica* and all its negative connotations. **haec intēntă nōbīs ēst** "this (dagger) was pointed [*OLD* s.v. *intendo* 7] at us." The variant *intentata* ("brandished"), while not implausible itself, is militated against by the lemma in Asconius. The word order may show that *intenta* is focused (serving as the host to *nobis*); it certainly secures a cretic-trochaic clausula. The same word order, with the same effects, is found in *insidiata Pompeio est* and *conuersa rursus est in me* immediately following. Except for *pro me non sum passus*, each clause in this anaphoric series ends in a cretic-trochaic clausula. **huic ego uos obici pro me:** *ego* is placed to contrast with *uos*. For *obici pro me*, cf. the previous section. **haec insidiata Pompeio est:** i.e. the incident discussed in detail in §18. **haec istam Appiam ... cruentauit:** again cf. §18. Clark reads *uiam Appiam* (the lemma in Asconius, i.e. without *istam*); *istam Appiam* is transmitted by C.'s MSS (ET, *ista uiam Appiam* H). *istam* has point and should be retained: as at §18 *in eadem ista Appia uia*, C. looks at the prosecutors, who had earlier made such heavy weather of the Appian Way, and says "that Appian Way *of yours* [*OLD* s.v. *iste* 2]," i.e. the one that you kept mentioning. Asconius is more likely to have simplified the phrase. The clipped *istam Appiam* (without *uiam*: see K–S I.231) feels more appropriate in this anaphoric series, although there is not much to choose from; cf. §14n. *in uia Appia.* **monumentum sui nominis:** strictly speaking *sui* "should" be *eius* (the subject of the sentence is *haec* [sc. *sica*], not *Clodius*), but *suus* often agrees with an "understood" subject (K–S I.602, Ciceronian examples in Lebreton 113–14); cf. §25 *praeturam futuram suam*, §41 *ut Miloni uti uirtute sua liberet*, §81 *sua cuiquam*, §90 *unus ex suis satellitibus.* **haec eadem ... conuersa rursus est in me:** i.e., the first time being when Clodius drove C. into exile. **nuper quidem, ut scitis, me ad Regiam paene confecit** "indeed recently, as you know, he almost finished me off [*OLD* s.v. *conficio* 16a] near the Regia." Cf. §20; nothing further is known of this incident beyond Asconius' guesswork (48C): he suspects that C. refers to a gang fight in 53 BC between partisans of Hypsaeus and Milo on the Via Sacra, where he reports that Clodius was present in support of Hypsaeus and C. in support of Milo. This guess can hardly be relied upon; cf. Marshall 1985 ad loc. The Regia was the headquarters of the Pontifex Maximus (Julius Caesar, on campaign in Gaul throughout most of the fifties; he was wintering in Ravenna just before Clodius' death: Caes. *Gal.* 7.1); it was located on the Via Sacra at the southeastern corner of the Forum (see Map 3; *NTDAR* 328–9, *LTUR* IV.189–92). If C. is simply bluffing, he is all in with *ut scitis*, which could

have struck a false note if the jurors in fact had no idea what he was talking about (for sincere use of the phrase, cf. *Flac.* 64, *Sest.* 74, 124, *Phil.* 14.15). The force of *conficio* "kill" is hard to gauge (Donatus ad Ter. *Eun.* 926 says it is a term used for gladiators). In this sense it is rare in C. in the active, occurring only a few times in the speeches, viz. §40, *Ver.* 5.151, *Font.* 36 (also *Inv.* 2.111, *N.D.* 1.101), but the passive is more common (*TLL* IV.204.17–21).

38 Quid simile Milonis? loosely, "What did Milo ever do of that sort?" (lit. "what [*sc.* conduct] of Milo was similar [*sc.* to what I have just described]?"; *Milonis* is genitive with *quid*, not with *simile*). *quid simile?* is a common formula, almost invariably without an expressed verb and probably colloquial (4x in C.'s letters, 4x in dialogues, 3x in speeches); cf. e.g. *Planc.* 61 *quaeris quid simile in Plancio.* **cuius uis omnis haec semper fuit** "whose every act of violence was always for the following purpose." Adjectives of size and quantity more typically precede the nouns they modify (A–G 598b; further subtleties in Devine and Stephens 2006: 446–523 [*omnis* 507–11]; cf. Norden ad *Aen.* 6 App. 3.B.1 for the related phenomenon of enjambed adjectives of size and quantity in verse); hence *uis omnis* is slightly emphatic. *haec* points forward to the *ne* clause. For the thought, cf. *Red. Pop.* 19 *qui* [= *Milo*] *cum uideret sceleratum ciuem aut domesticum potius hostem* [= *Clodium*], *si legibus uti liceret, iudicio esse frangendum, sin ipsa iudicia uis impediret ac tolleret, audaciam uirtute, furorem fortitudine, temeritatem consilio, manum copiis, uim ui esse superandam, primo de ui postulauit; postea quam ab eodem iudicia sublata esse uidit, ne ille omnia ui posset efficere curauit*; further *Sest.* 92. **ne P. Clodius ... ui oppressam ciuitatem teneret** "so that Clodius wouldn't hold the city under his thumb by means of violence." The construction *oppressum tenere* is reasonably common in C. (*Agr.* 2.99, *Flac.* 38, *Dom.* 122, 131, *Tusc.* 5.57 *seruitute oppressam tenuit ciuitatem*) and makes clear the ongoing state of oppression (cf. Pinkster 2015: 188–92). This usage is related to but distinct from *habeo* + perfect participle as a replacement for the perfect (Pinkster 2015: 478–81), a construction not found with *opprimo*; cf. §40 *beluam ... iam irretitam teneret.* **cum in iudicium detrahi non posset** "since he couldn't be brought to legal judgment." Despite Milo's best efforts to prosecute Clodius (cf. §40 below), Clodius could not be convicted. For the picturesque *detraho* ("haul off"), cf. *Clu.* 179 *ut hunc Oppianicum ... ad hanc accusationem detraheret.* **quem si interficere uoluisset, quantae quotiens occasiones, quam praeclarae fuerunt!** "And if he'd wanted to kill him, how many times was he presented with the perfect opportunity!" C. proceeds to enumerate a long list of such opportunities; these instances do double duty as showing both Clodius' violence and Milo's restraint. In this and the following sections

there is a chronological progression; §38 concerns Milo's tribunate before C.'s recall from exile, §39 the recall, and §§40–1 Milo's actions as a *priuatus* after his tribunate. In effect the contrary-to-fact conditional protasis is qualifying the more general indicative statement of fact in *quantae … fuerunt* (a usage not adequately treated in the grammars, e.g. K–S II.401–5): cf. perhaps *Tusc.* 5.99 *si quaedam etiam suauiora natura desideret, quam multa ex terra arboribusque gignuntur cum copia facili, tum suauitate praestanti!*, Verg. *Ecl.* 9.45 *numeros memini, si uerba tenerem.* Latin can combine multiple question words (*quantae quotiens*) into a single phrase; cf. §23n. *uter utri insidias fecerit. occasio* means "convenient or favorable circumstances" (*OLD* s.v. 1), i.e. "opportunity," not "occasion." **potuitne** "couldn't he have?" Anaphora of this word binds together the items in the catalogue; the numbingly precise repetition is deliberate, for C. wants to emphasize just how many better opportunities Milo had to kill Clodius, and a slight feeling of exhaustion contributes to his desired effect. *-ne* usually implies nothing about the expected answer, but here context makes clear that *-ne* = *nonne*, i.e. it expects a positive response; cf. K–S II.505. **cum domum … illo oppugnante defenderet:** Clodius attacked and tried to burn Milo's house on 12 November 57 : *Att.* 4.3.3 *Milonis domum … prid. Id. Nou. expugnare et incendere ita conatus est* [sc. *Clodius*] *ut palam hora quinta cum scutis homines eductis gladiis, alios cum accensis facibus eduxerit.* Milo's allies sallied forth and drove off the Clodians, killing some of them. It is disingenuous for C. to claim here that Milo exercised restraint on that occasion, for in his letter of 57 he allows that one Q. Flaccus, leader of Milo's forces (otherwise unknown: Shackleton Bailey ad *Att.* 4.3.3), wanted to kill Clodius himself (*ipsum cupiuit*), but Clodius managed to escape into a neighboring house. The military verb *oppugno* is deliberately chosen; cf. *Sest.* 85 *domus est oppugnata ferro, facibus, exercitu Clodiano* (probably a reference to a separate attack on Milo's house earlier in the year: see Maslowski 1976). **deos penates suos:** the (*di*) *penates* were Roman household gods who dwelled in the innermost part of the house (< *penus*; cf. *N.D.* 2.68) and so looked after its welfare; for details, see Dubourdieu 1989, Bodel 2008. While *di penates* are often conjoined with *domus* (e.g. *Lig.* 33), C. specifically mentions them here to increase the outrage of Clodius' assault, giving it a quasi-religious dimension. For a similar tactic, cf. *S. Rosc.* 23 *nudum* [sc. *Roscium*] *eicit domo atque focis patriis disque penatibus praecipitem … exturbat.* **iure se ulcisci** "justly avenge himself" (*OLD* s.v. *ulciscor* 2b), a euphemism for "kill Clodius." *iure* is an adverb, a fossilized ablative of *ius.* **potuitne:** sc. *iure se ulcisci.* **ciue egregio et uiro fortissimo:** pairing a positive and a superlative adjective is only common when the positive already carries superlative connotations (K–S II.479); *egregissimus* hardly exists (Pacuv. *trag.* 173 Schierl with her commentary ad

loc.). For *uir fortissimus*, cf. §1n. *pro fortissimo uiro.* **P. Sestio, collega suo, uulnerato:** P. Sestius (*RE* 6) was a colleague of Milo's as tribune of the plebs in 57; he worked energetically (and violently) to secure C.'s recall. The following year C. defended him against a charge *de ui* (*TLRR* 271), and thanks to C.'s surviving speech we are unusually well informed on Sestius' life up to that time (see Kaster 2006: 14–22). The incident mentioned here is narrated most fully at *Sest.* 79 (cf. *Red. Sen.* 7, *Q. fr.* 2.3.6): Sestius, relying on his sacrosanct status as tribune, attempted to halt a legislative session of the *comitia tributa* on the grounds that he had observed an unfavorable omen. He was then attacked by Clodians and wounded some twenty times (*Sest.* 85), only surviving because the rioters assumed he was already dead. He recovered and went on to a successful public career, serving as praetor in 54 (in 52 prosecuted *de ambitu*, presumably for this campaign, and again defended by C.: *TLRR* 323) and succeeding C. as governor of Cilicia in 49. After Pharsalia he joined Caesar, and he was still active as a senator as late as 35. Despite his temperament (*moroso homini, Q. fr.* 2.4.1) and dubious prose style (*Att.* 7.17.2; cf. Catul. 44.11–13), he remained a friend of C.'s until C.'s death, and supported the Ciceronian side until the end (*ad Brut.* 2.5.4). **Q. Fabricio ... pulso, crudelissima in foro caede facta:** Quintus Fabricius (*RE* 7) was another tribune of the plebs in 57. On 23 January, he was to preside over the popular assembly that would be voting on a tribunician bill to recall C. from exile, but Clodian supporters drove him off and no voting could be held; many were apparently killed or wounded in the fray (*Sest.* 75, 78, *Red. Sen.* 22, Dio 39.7.2). C. was crushed by the news of the bill's failure (*Att.* 3.27). *caedes* is a strong word ("slaughter," cf. §18n. *quae cruentata ... caede ... sanguine imbuta est*); it is perhaps emphasized by interlaced alliteration. **L. Caecili, iustissimi fortissimique praetoris, oppugnata domo:** L. Caecilius (*RE* 110) Rufus was a Ciceronian partisan already in 63, when as tribune of the plebs he threatened to veto Rullus' agrarian bill (*Sul.* 65 with Berry; cf. *MRR* II.167–8). In 57 he was urban praetor and a staunch backer of the consul P. Lentulus Spinther's proposal to recall C.; he then used his position as praetor in C.'s favor in property disputes arising from his exile (*Red. Sen.* 22). Asconius (48C) reports that when Caecilius was in charge of the Ludi Apollinares (by 44 BC held 6–13 July, but in 57 perhaps 9–13 July: Ryan 2006: 99) there was a riot in the theater over the high price of grain. (It is possible that Asconius meant the Ludi Romani, held 4–19 September, when there was definitely unrest over the food supply, as suggested by Marshall ad Asc. 48C: cf. *Att.* 4.1.6, *Dom.* 5–6, 12–16, Dio 39.9.2. But there were probably disturbances in July as well: Kaster 2006: 401 n. 26.) This rioting was part of a larger crisis over grain prices in 58–56 that led to Pompey's being placed, at C.'s proposal, in charge of

the grain supply in 57 (evidence in Garnsey 1988: 201, 206). Asconius cannot, however, find anything about a siege of Caecilius' house. He does mention that Pompey had accused Clodius of "suppressing L. Caecilius when he was praetor" (*oppressum L. Caecilium praetorem*) when he spoke in defense of Milo against Clodius' charge *de ui* in 56 (*TLRR* 266). Caecilius' career is documented in *CIL* I^2.2.761 = *ILS* 880; the form of the inscription perhaps indicates that he lived into the reign of Augustus. C.'s placement of the superlative adjectives with *praetoris*, rather than saying *L. Caecili praetoris, iustissimi fortissimique uiri*, may lay stress on his office, perhaps in distinction to the preceding tribunes. **illo die quo est lātă lēx dē mē:** 4 August 57, when the law was passed in the *comitia centuriata* (the only known law from 70–49 to have been proposed in this assembly [Taylor 1966: 103–4], thus avoiding the *comitia tributa*, where Clodius and his urban followers had much more influence). Efforts to recall C. from exile had begun already in May 58, but foundered in the face of the violence described above. In 57 Pompey (who had by this time broken with Clodius; cf. §21n. *fuisse illum sibi inimicum*) began securing the support of the Italian *municipia* for recall, and the consul P. Lentulus Spinther, a long-time enemy of Clodius, put his influence behind the proposal at Rome. Ultimately C.'s recall from exile was supported by eight of the ten tribunes, Sestius above all, and the other two did not interpose their veto: see esp. *Sest.* 72–8; also *Red. Sen.* and *Red. Pop. passim*, *Dom.* 70, *Pis.* 35, *Att.* 3.20.3, 3.23, Asc. 11C, *CAH* IX^2.385–9, Millar 1998: 37–8, 148–55, Tatum 1999: 176–85. For the phrase, cf. *Att.* 4.1.4 *illo die quo lex est lata de nobis*; the word order in our text allows *est*, as often, to cohere closely with a relative pronoun (Adams 1994a: 44–53) and yields a cretic-trochaic clausula. **cum totius Italiae concursus, quem mea salus concitarat, facti illius gloriam libens agnouisset:** in the spring or early summer of 57, Pompey undertook extensive travels outside Rome to rouse support for C.'s recall in the Italian *municipia*, hoping that their combined votes could overcome Clodius' urban supporters; cf. e.g. §39, *Prov.* 43 *qui idem* [= Pompey] *Italiam in municipiis, populum Romanum in contione, uos mei semper cupidissimos in Capitolio ad meam salutem incitauit*, *Red. Sen.* 29, *Red. Pop.* 16, *Pis.* 80. Here *mea salus* is C.'s euphemism for "recall" (*OLD* s.v. *salus* 4); cf. e.g. *Fam.* 14.4.5 (written from exile) *ut ... spem habeam reciperandae salutis*, *Prov.* 43 quoted above. C. delights in describing the "coming together of the whole of Italy" in his support; cf. e.g. *Sest.* 72 *concursus legatorum ex Italia cuncta*, 107, 129 *qui ex tota Italia salutis meae causa conuenerant*, *Dom.* 142, *Pis.* 34, 51, *Att.* 4.1.4; further *Red. Sen.* 39 *cum me ... Italia cuncta paene suis umeris reportarit. concito* ("bring together," *OLD* s.v. 3) is a Ciceronian favorite; its original meaning, "set in rapid motion" (*OLD* s.v. 1), is also felt here. In the first conjugation the syncopation of the third-person singular

pluperfect (*concitarat* < *concitauerat*) is much more common than the full form. *facti illius* = killing Clodius. *libens*, as usual, has quasi-adverbial force ("gladly," *OLD* s.v. 1, K–S I.236). *agnouisset* is subjunctive not because of *cum* but because it is potential ("would have recognized," K–S II.410). **etiam si id Milo fecisset:** for the "even if Milo had done it" argument, cf. §§72–91; C.'s *id* is perhaps deliberately vague (for other instances of deliberate vagueness, cf. §23n. *confessio facti*, §29n. *fecerunt id serui Milonis*, §30n. *si id iure fieri non potuit*). **cuncta ciuitas eam laudem pro sua uindicaret** "the whole state would have claimed [*OLD* s.v. *uindico* 2c] the praise for that deed for its own." *cuncta ciuitas* is a very common *iunctura* (*TLL* IV.1397.6–10), emphasizing the united opinion of the whole citizen body. *eam laudem* = *eius facti laudem*; there is little difference between *laus* and *gloria* (cf. Grillo ad *Prov.* 27), and so *eam laudem* here is probably just *uariatio* for the preceding *illius facti gloriam*. The imperfect tense of *uindicaret* is due to its use here in a result clause, but it also serves as the apodosis to a past contrary-to-fact condition, hence "would have claimed"; cf. §68 *testaretur*. The periphrasis *uindicatura esset* would be possible but clumsy.

39 **at quod erat tempus!** "And what a time it was!" *at* amplifies the exclamation (*OLD* s.v. 11a, *TLL* II.995.71–996.4), a very common Ciceronian usage (more than 50x in the speeches, according to Madvig 1828: 129); cf. e.g. *Phil.* 8.24 *an ab eo mandata acciperem ... ? at quae mandata!* This is C.'s lively transition to an even closer look at the circumstances surrounding his exile; he is concerned to show that all agree that his exile was a bad thing. While this does blacken Clodius as author of the exile, it seems to serve more as Ciceronian self-justification on a point of persistent insecurity. **clarissimus et fortissimus consul, inimicus Clodio, [P. Lentulus,] ultor sceleris illius, propugnator senatus, defensor uestrae uoluntatis, patronus publici consensus, restitutor salutis meae:** P. Cornelius (*RE* 238 + *MRR* III.69) Lentulus Spinther, consul of 57 and a moving force behind C.'s recall. (His consular colleague, Q. Caecilius [*RE* 96] Metellus Nepos, was an enemy of C. who was persuaded not to oppose his recall: *MRR* II.199–200.) During Milo's trial he was probably waiting just outside the city for a triumph, which he celebrated in 51 after a long delay (*Att.* 5.21.2; he had been proconsul in Cilicia 56–53: *MRR* II.218). Lentulus is here described with some eight (!) phrases. Perhaps even more remarkably, their culmination focuses squarely on C. himself in *restitutor salutis meae* (for *salus*, cf. §38n. *cum ... agnouisset*). Lentulus – always so called by C., never Spinther, a cognomen he earned from his apparent resemblance to an actor of that name (Val. Max. 9.14.4, Plin. *Nat.* 7.54, Quint. *Inst.* 6.3.57) – was six years younger than C., but the two had known each other

since their youth (*Fam.* 1.6.2), and Lentulus fought hard to have C. recalled and his property restored. C. was very grateful and praises him in all the *post reditum* speeches; cf. e.g. *Red. Sen.* 8 *P. Lentulus, parens ac deus nostrae uitae fortunae memoriae nominis, Sest.* 70 with Kaster. The description here emphasizes the broad consensus surrounding C.'s return; Lentulus simply embodied the united will of the Roman senate and people (*propugnator senatus* [cf. §16n.], *defensor uestrae uoluntatis, patronus publici consensus*). Bake 1852: 291 rightly deleted *P. Lentulus* as a gloss; it destroys the near-isocola of the paired members in the list set in apposition to *consul* (*inimicus Clodio* ~ *ultor sceleris illius* etc.) and is oddly inserted in the middle of this enumeration rather than after *consul* at its beginning. While C. has named his supporters in §37, he does not name the following "seven praetors" or "eight tribunes." *P. Lentulus* is admittedly found in the lemma to the Scholia Bobiensia, but this may simply indicate that the interpolation was early. Clark also reads *fortissimus uir consul* with H, but *uir* looks like a reflex after *fortissimus*. It is certainly not necessary; cf. e.g. *Man.* 62 *duo consules clarissimi fortissimique.* **septem praetores:** of the eight praetors, the only one opposed to C.'s recall was Ap. Claudius (*RE* 297) Pulcher, Clodius' oldest brother (*MRR* II.200). Later Appius and C. were reconciled (see §75n. *qui Appium fratrem ... deiecit*). **octo tribuni plebei illius aduersarii, defensores mei:** of the ten tribunes, only Sex. Atilius (*RE* 70) Serranus Gavianus and Q. Numerius (*RE* 5) Rufus were opposed, engaging in both violence and legislative activity to try to block C.'s recall (*MRR* II.201–2). The chiastic arrangement sharply juxtaposes *aduersarii* and *defensores*; *illius* and *mei* are objective genitives. There is little distinction between *aduersarius* and *inimicus* (*TLL* VII.1.1623.48, 1633.49–51), but *aduersarii* here secures some *uariatio* after *inimicus* just above; both words are used of private enmities, as opposed to *hostis* ("public enemy"). Cf. e.g. *Dom.* 101 *non ab inimico meo, sed ab hoste communi. plebei* is an archaic genitive (< fifth-declension *plebes*), preserved occasionally in formulas like *tribunus plebei* (cf. *Cael.* 34), although C. usually prefers *plebis* (< third-declension *plebs*): Leumann 446–7. **Cn. Pompeius, auctor et dux mei reditus:** Pompey did not initially intervene to prevent Clodius from sending C. into exile, indeed even rejecting C.'s in-person supplication (*Att.* 10.4.3). The details behind Pompey's sudden abandonment (*subita defectio Pompei, Q. fr.* 1.4.4) of C.'s cause are complex; he may have thought it expedient not to oppose Clodius as a powerful tribune and hoped instead to recall C. with minimal fuss after Clodius had served out his term. But when Clodius unexpectedly turned on Pompey later in 58 (cf. §18n. *ornatissimum equitem Romanum ... M. Papirium*, §21n. *fuisse illum sibi inimicum*), Pompey began to work for C.'s recall (Dio 38.30.3; cf. Plut. *Cic.* 33.2–3). After Clodius' abortive assassination attempt on 11 August (cf. §18n.

comprehensus est), Pompey stepped up his efforts, and when 57 began and Clodius was out of office, he threw his full weight behind C.'s recall. C. showered Pompey with gratitude in return, immediately proposing and seeing passed a bill that gave him control over Rome's grain supply (*Dom.* 15–17, 27, Plut. *Pomp.* 49.4, Dio 39.9.3). For a detailed narrative of these complex events, see Seager 2002: 101–9, citing all ancient sources. For *auctor et dux*, cf. *Sest.* 20, *Fin.* 2.66; the word *dux* here has military overtones, which will be continued in the rest of the sentence. **illius hostis** "Clodius' enemy." *hostis* is more than just *uariatio* on the foregoing *inimicus* and *aduersarius*, since the word *hostis* is usually very pejorative. Here the military connotation and the idea that this is in some sense a "public" enmity are to the fore; for rare cases of the "good guys" being *hostes*, a usage not adequately treated by the lexica, cf. e.g. *Pis.* 80 *iam uides me tibi non inimicum sed hostem ... esse debere*, *Fam.* 12.28.3 *omnibus inimicis rei publicae esse me acerrimum hostem prae me fero.* **cuius sententiam senatus omnis de salute mea grauissimam et ornatissimam secutus est:** the first member of an ascending tricolon introduced by relative pronouns (*cuius, qui, qui*); there is a rhetorical progression from the senate to the Roman people (*populum Romanum*) to all of Italy (*cunctae Italiae*). The motion was proposed in the senate by the consuls, but in the senate and the *contio* Pompey spoke strongly in support. For a narrative of the legislation, see *Red. Sen.* 24–9; cf. *Sest.* 107, 129–31, *Dom.* 30, *Pis.* 80. Bake 1852: 291 proposed deleting *omnis*, which is omitted in E, on grounds of Latinity, but *omnis* is regularly used in the same sense as *totus* for "the whole of" (*OLD* s.v. 1); cf. e.g. *Rep.* 2.67 *utinam ex omni senatu pro rata parte esset*, Caes. *Gal.* 1.1.1 *Gallia est omnis diuisa in partes tres*, 1.31.6 *omnem senatum* (ditto 2.5.1, 3.16.4, 5.54.3, 7.33.2). Strictly speaking, however, it was not the "whole senate" that passed the motion: Clodius voted against (*Red. Sen.* 26); but C. may be allowed the slight exaggeration. *sequor* means "support a proposal [*sc.* in the senate vel sim.]" (*OLD* s.v. 13), perhaps fitting after *dux* above; for the phrase, cf. *De orat.* 3.5 *sententiam ... quam senatus frequens secutus est ornatissimis et grauissimis uerbis* (for *grau. et ornat.*, cf. also *Ver.* 1.14, *Flac.* 58, *Red. Pop.* 17, *Cael.* 5, *De orat.* 1.54, *Orat.* 97). **qui populum Romanum est cohortatus:** particularly in the *contio* held *ca.* 9 July 57, called by Lentulus to drum up support for the senate's decree; cf. *Red. Pop.* 16 *princeps ad cohortandos uos et ad rogandos fuit Cn. Pompeius* (further *Red. Sen.* 29, *Sest.* 107, *Pis.* 80). An "exhortation" is again well suited to Pompey's role as *dux*; it stands in contrast to his depiction as a "suppliant" of the people at *Sest.* 107. **qui cum decretum de me Capuae fecisset:** under Caesar's agrarian legislation in 59, a colony was founded at Capua and the town regained the civic rights that it had lost after going over to Hannibal; the newly established colony was governed by its own senate

and *duouiri*. In 57 Pompey was one of the *duouiri* – he had earlier served on the land commission in charge of establishing the colony (*MRR* II.192) – and he brought a motion in the local senate in support of C.'s recall (*Red. Sen.* 29, *Pis.* 25). C.'s scathing treatment of Capua in his first speeches as consul (*Agr.* 1.18–22, 2.76–97) seems not to have generated any lasting resentment; he claims to have saved the town from the marauding Catilinarians, for which reason they made him their "sole patron" (*Sest.* 9 *conuentus ille Capuae, qui propter salutem illius urbis consulatu conseruatam meo me unum patronum adoptauit*; further *Pis.* 25). **ipse cunctae Italiae cupienti et eius fidem imploranti signum dedit:** C. here, as often, emphasizes the unified voice of all Italy. *cuncta Italia* is almost a fixed phrase in C. (some 30x, e.g. §77 *populum Romanum, cunctam Italiam, nationes omnes*; instances at Merguet I.751–2); it is here perhaps preferred over the even more common *tota Italia* (Merguet IV.757) for the alliteration with *cupienti*. With *cupienti* understand *reditum meum*; for its force as indicating a passionate desire, cf. §21n. *etiam si cupisset*. *fidem imploro* ("beg earnestly") is an extremely common fixed phrase (*TLL* VII.1.656.7–35). Elsewhere C. makes Pompey do the begging: *Pis.* 80 *Pompeius ... cum municipia pro me adiret, Italiae fidem imploraret*; cf. *Dom.* 30 *hic* [= *Pompeius*] *municipia coloniasque adiit; hic Italiae totius auxilium cupientis implorauit*. C. here says *eius fidem* rather than *suam* because the participle is, in effect, a subordinate clause (= *quae eius fidem implorabat*); this usage is rare, but cf. §26n. *quaerenti ex eo ... respondit*, K–S I.601, H–S 175. *signum dedit* is again military language; cf. e.g. Liv. 2.20.5 *Postumius ... cohorti suae ... dat signum ut quem suorum fugientem uiderint, pro hoste habeant*. **ut ad me restituendum Romam concurreret:** Italians came pouring into the city to vote in the centuriate assembly for the bill to restore C.; these helped overcome Clodius' urban majority. **omnium denique in illum odia ciuium ardebant desiderio mei:** loosely, "in a word, every Roman citizen blazed with hatred for Clodius [= *illum*] because they so desired my return." *omnium* is an almost certain emendation for the transmitted *omnia tum*, which is very probably a scribal corruption influenced by the following *denique* (*tum denique* is very common). If right, the fronting of *omnium* and its separation from *ciuium* puts the strongest possible focus on "everyone"; the word is pointed up still further by *denique*, summarizing the foregoing enumeration of the senate, people of Rome, and Italians. Postponing *desiderio mei* to the end of the clause is likewise emphatic. For *odia ... ardebant*, cf. Juv. 15.34–5 *immortale odium ... ardet*; sim. Sen. *Med.* 952 *feruet odium*. *desiderium*, "desire (for something lost)," (*OLD* s.v. 1), is used in particular of someone abroad or in exile (e.g. Liv. 5.32.9, of Camillus, 6.20.15, of Manlius); the word is regularly accompanied by an objective genitive. For *ardeo* + ablative of cause, cf. §16n. *quis ... non arsit dolore*. **quem qui tum**

intermisset: loosely, "and if someone had killed him then." Strictly speaking *quem* is a connective relative (= *et eum*), and *qui* introduces a relative clause of characteristic or a result clause (*NLS* §§155–7). In Latin a second relative pronoun is often joined with a connective relative: A-G 308f. **non de impunitate eius, sed de praemiis cogitaretur** "it would be rewards, not immunity from prosecution, that we would have been thinking about"; for the idea, cf. e.g. §80 *Graeci homines deorum honores tribuunt iis uiris qui tyrannos necauerunt.* For the word order *qui ... eius*, cf. §13n. *cuius ... de eius.* There is a strong contrast between *impunitate* and *praemiis. cogitaretur* is potential subjunctive (*NLS* §121); the passive is impersonal with intransitive *cogito* (cf. e.g. *Att.* 11.6.2 *numquam enim de te ipso nisi crudelissime cogitatum est*).

40 **tum se Milo continuit** "*then* Milo restrained himself"; *tum* is focused, as shown by the position of *se.* C. returns to his main point: Milo had better opportunities to kill Clodius in the past but restrained himself; why should he have deliberately chosen to kill him now? This is all quite true, but despite C.'s insinuations, it in no way entails that Clodius set an ambush for Milo. **P. Clodium in iudicium bis, ad uim numquam uocauit:** in 57 Milo twice brought an action under the *lex Plautia de ui* against Clodius: once early in the year (*TLRR* 261), once sometime after 23 November (*TLRR* 262). The consul Q. Caecilius (*RE* 96) Metellus Nepos, along with the praetor Ap. Claudius (*RE* 297) Pulcher (Clodius' brother) and one of the tribunes (presumably Serranus or Numerius: cf. §39n. *octo tribuni plebei illius aduersarii, defensores mei*), blocked the first trial with legal maneuvering (*Sest.* 89), and Nepos seems to have forestalled the second as well (*Sest.* 95 with Kaster; cf. *Fam.* 5.3.2, from Nepos: *bis eum* [= *Clodium*] *inuitum seruaui*), which was then dropped for good when Clodius became aedile in 56. Further *Red. Sen.* 19, *Att.* 4.3.2, 5, Plut. *Cic* 33.4, Dio 39.7.4 (confusing the two prosecutions). *in iudicium uocare* is a technical term for bringing a defendant to trial (*OLD* s.v. *uoco* 4c); the slight zeugma with *ad uim* points the contrast. Jeep's conjecture *de ui* for *bis* would spoil the balanced contrast of prepositional phrase and temporal adverb (i.e. *in iudicium bis, ad uim numquam*). **Quid?** cf. §33n. *quid?* **priuato Milone et reo ad populum accusante P. Clodio:** in February 56, when Milo was no longer tribune (*priuato Milone*), he was himself accused by Clodius *de ui* (*quod gladiatores adhibuisset ut rogationem posset de Cicerone perferre,* Schol. Bob. 122.33–4 St., *TLRR* 266). The trial was a *iudicium populi* (*ad populum accusante P. Clodio*; cf. *Q. fr.* 2.3.2–3), i.e., Clodius made his case in a series of speeches directly to a popular assembly, summoned under his authority as curule aedile (on this unusual form, see §36n. *diem mihi, credo, dixerat*). The charge was ultimately dropped. **cum in Cn. Pompeium pro**

Milone dicentem impetus factus est: on 7 February Pompey spoke in Milo's defense, but he was all but drowned out by Clodius' supporters (*Q. fr.* 2.3.2; cf. Plut. *Pomp.* 48.7, Dio 39.18–19); in April came the conference at Luca, and Pompey and Clodius were reconciled (cf. §21n. *fuisse illum sibi inimicum*). *impetus factus est* continues the military language used in connection with Pompey (*OLD* s.v. *impetus* 2c; cf. §29n. *statim complures ... faciunt de loco superiore impetum*). In reality, during his speech Pompey faced jeers, but no physical attack. It was only afterwards that violence broke out, but then it was in fact led by partisans of Milo against a speech of Clodius (*hora fere nona quasi signo dato Clodiani nostros consputare coeperunt ... factus est a nostris impetus. fuga operarum, eiectus de rostris Clodius, Q. fr.* 2.3.2). C. thus plays fast and loose with the details, but he is only too glad to dwell on this example, which again does extra duty by showing Clodius as Pompey's enemy. **non modo occasio sed etiam causa illius opprimendi** "not just an opportunity, but a real reason for checking him." For the force of *occasio,* cf. §38n. *quem si interficere uoluisset, quantae quotiens occasiones, quam praeclarae fuerunt. opprimo* ("crush, overwhelm") can itself have military connotations (*OLD* s.v. 5, 7). **nuper uero ... M. uero Antoni maxima gloria:** Mark Antony, the later triumvir, is here given extravagant praise for a time when he himself nearly killed Clodius. What makes this praise so cutting is that Antony was in fact one of Milo's prosecutors in this trial, sitting there listening to C.'s speech (Asc. 41C); this example thus yet again does double duty, undercutting Antony's authority as credible prosecutor in the case. The details of Antony's near-killing of Clodius are recounted in the second *Philippic*: Antony left Gaul, where he was serving with Caesar, and came to Rome in 53 to stand for the quaestorship of 52 (*Phil.* 2.49). During the canvassing, there was a brawl in the Forum: *tu illum* [= *Clodium*] *in foro inspectante populo Romano gladio insecutus es negotiumque transegisses, nisi se ille in scalas tabernae librariae coniecisset iisque oppilatis impetum tuum compressisset* (*Phil.* 2.21; cf. 2.49 *P. Clodium approbante populo Romano in foro es conatus occidere*). At this time in 53 Antony was close to C. (*Phil.* 2.49 *sum cultus a te*), but by the present trial he had shifted his allegiances. Clark speculated that he was already under the spell of Fulvia, Clodius' widow and his own eventual wife (cf. §28n. *sine uxore, quod numquam fere*), but the suggestion of Linderski and Kaminska-Linderski 1974: 222–3 carries more conviction: after Clodius' death at the hands of Milo, the urban plebs, so far from "approving," was indignant at all of Clodius' enemies. That sentiment, coupled with Pompey's attitude toward Milo, induced a swift about-face in Antony the candidate. He was thus trying to establish his bona fides by prosecuting Milo. He also deferred his campaign for the quaestorship by a few months, standing instead for 51 in the summer elections of 52, comfortably after

Milo's trial. **cum M. Antonius summam spem salutis bonis omnibus attulisset grauissimamque adulescens nobilissimus rei publicae partem fortissime suscepisset:** C.'s language is deliberately over the top, studded with sarcastic superlatives and high-flown rhetoric. *spem salutis* ("hope of salvation") is a common fixed phrase (cf. e.g. *Fam.* 11.5.2 *spem reliquam nullam uideo salutis*), here emphasized by further alliteration with *summam*; the focus on *salus* and the *boni* underscores the speech's ever-present political valence. For *rei publicae partem suscipere* ("to undertake a duty on behalf of the republic," *OLD* s.v. *pars* 10b), cf. e.g. *Ver* 1.5 *uideor magnam ... rei publicae partem suscepisse, Rep.* 1.10. The hyperbaton of *grauissimam ... partem* highlights the hyperbole. Antony was *nobilissimus* both because he was a member of the distinguished *gens Antonia* (*OLD* s.v. *nobilis* 5) and because he had acted "nobly" in attempting to kill Clodius (*OLD* s.v. *nobilis* 4). **illam beluam:** cf. §32n. *in illa quidem tam audaci, tam nefaria belua.* **iudici laqueos declinantem** "dodging [*OLD* s.v. *declino* 5] the snares of a trial." A *laqueus* is a noose or a "snare or lasso for catching wild animals" (*OLD* s.v. 1c), but it is often used as a legal metaphor: cf. e.g. *Cael.* 71 *eo maleficio ... erant implicati ut ex nullius legis laqueis eximendi uiderentur, Clu.* 150, *Sest.* 88, *TLL* VII.2.963.18–30. If this is supposed to refer to an actual trial in the offing, we know nothing further of it. **iam irretitam teneret** "had already ensnared [*OLD* s.v. *irretio* b]," continuing the metaphor of *laqueus*; cf. e.g. *De orat.* 1.43 *Stoici ... disputationum suarum atque interrogationum laqueis te irretitum tenerent.* On participle + *teneo*, cf. §38n. *ne P. Clodius ... ui oppressam ciuitatem teneret.* **qui locus, quod tempus illud, di immortales, fuit!** "what a chance [*OLD* s.v. *locus* 14] – ye gods! – what an opportunity [*OLD* s.v. *tempus* 9] that was!" The vocative (*o*) *di immortales*, found *ca.* 45x in C.'s speeches (15x in his letters), is a colloquial way to add emphasis (*OLD* s.v. *deus* 1c). The vanishing monosyllable *di* is virtually never found without a reinforcing epithet in C. (see Dyck ad *Catil.* 1.11). The less common (*o*) *di boni* can serve the same function (cf. §59, 7x in C.); further *TLL* V.1.892.34–75. **cum se ille fugiens in scalarum tenebras abdidisset** "when he had hidden himself in a dark hideout [*OLD* s.v. *tenebrae* 1c] under the stairs as he fled." For the incident, cf. *Phil.* 2.21, quoted above: Clodius hurled himself under the stairs of a bookseller's shop and barred Antony from entry. The space under a Roman staircase, as today, was often used for storage and equipped with a door; cf. Asc. 60C (the *argumentum* to the lost *Pro Cornelio*) *cum in scalas quasdam Cominii fugissent, clausi in noctem ibi se occultauerunt* (further *Corn.* fr. 9 Crawford *aperuit forem scalarum*). Horace implies that this is a typical hideout (*Ep.* 2.2.15–16 with Brink and Rudd): *ut fit* | *in scalis latuit* (*sc.* a slave hiding from his master). In C. *abdo in* appears to take the accusative, not the ablative (*TLL* I.57.78–80), although general

rules on such prepositional usage are hard to lay down: for example, *pono in* + ablative (not accusative) is the regular construction (*TLL* x.1.2653.37–8). **magnum Miloni fuit conficere illam pestem** "would it have been a big deal for Milo to finish off that noxious scum?" Evidently Milo was present in the Forum too. For the rhetorical question with *magnum* ("difficult to accomplish, great," *OLD* s.v. 10), cf. e.g. *Ver.* 5.168 *etiamne id magnum fuit, Panhormum litteras mittere?*, *Planc.* 86 *decertare mihi ferro magnum fuit?*, *Acad.* 1.6 *quid est enim magnum ...?* The indicative is used instead of the potential subjunctive with neuter adjectives like *magnum*; cf. e.g. *Phil.* 2.27 *longum est persequi ceteros* (G–L 254 R. 1, K–S I.171; cf. §31n. *certe optabilius Miloni fuit dare iugulum P. Clodio*). For *conficio* ("finish off," i.e. "kill," *OLD* s.v. 16a), cf. §37n. *nuper quidem, ut scitis, me ad Regiam paene confecit*; for *pestis* §33n. *si leges nominandae sunt ac non faces urbis, pestes rei publicae.* **nulla sua inuidia, M. uero Antoni maxima gloria** "without incurring the slightest ill will toward himself and providing the greatest glory for Antony." The parallelism neatly points the contrast between *nulla* and *maxima. sua* acts like an objective genitive.

41 quid? cf. §33n. *quid?*. **comitiis in Campo quotiens potestas fuit!** "When elections were being held on the Campus Martius, how many chances did Milo have [*sc.* to kill Clodius]!" In 53 the consular canvassing and even the elections were marred by violence: *P. Clodius immissa seditiosorum manu comitia turbauerat, quae habebantur de consulibus creandis, cum esset etiam Milo candidatus* (Schol. Bob. 172.18–20 St.; cf. Schol. Bob. 169 St., Asc. 30–1C, 48C, Plut. *Caes.* 28.4–5, *Cat.* 47.1, Dio 40.46.3). *comitia* "an election" (*OLD* s.v. 2) is only found in the plural, and C. is probably referring to Milo's multiple opportunities during a single occasion when elections were being held rather than multiple elections disrupted by violence (although the ambiguity could be deliberate). For the bare ablative *comitiis* ("at the time of the elections"), see *OLD* s.v. 2d. Consuls were elected by the *comitia centuriata,* which assembled in the Campus Martius, in the Tiber's flood plain to the east, to vote (see Map 2; *NTDAR* 65–7, *LTUR* I.220–4); *Campus Martius* was routinely shortened to *Campus* (*OLD* s.v. 2). The phrase *comitiis in Campo* is focused by being fronted before the question word. For *potestas* "chance," "opportunity," see *OLD* s.v. 5. **cum ille in saepta irrupisset:** the *saepta* were "voting pens" (also called the *ouile*), a long and narrow enclosure in the middle of the Campus Martius. Voters queued here in the appropriate voting units while they waited to cross an elevated bridge and receive and cast their ballot in the sight of all assembled; the procedure is shown on a denarius of P. Licinius Nerva from 113–112 BC, *RRC* 292/1. For a detailed

reconstruction of the *saepta* (with drawings) and voting procedure, see Taylor 1966: 47–58; more broadly *NTDAR* 278, 340–1, *LTUR* IV.228–9. The variant *ruisset* (ET) is a banalization of the more forceful *irrupisset* ("force one's way into, burst into," *OLD* s.v.1); furthermore, C. does not use *ruo in* + accusative (other authors do: *OLD* s.v. *ruo* 2). **gladios destringendos, lapides iaciendos curasset** "arranged for swords to be drawn and stones to be hurled." For the gerundive with *curo*, a common construction from Terence onwards, cf. §31n. *quia se non iugulandum illi tradidisset. destringo,* lit. "strip off," is a technical term for unsheathing a sword (*OLD* s.v. 4). Picking up rocks to pelt their opposition seems to have been a Clodian specialty (*Dom.* 13, 53, 54, *Har.* 6, 39, *Sest.* 2, 27, 53, *Pis.* 28, *Corn.* fr. 42 Crawford, Schol. Bob. 172.16 St.), although hardly confined to them (cf. e.g. *Sul.* 15, Tac. *Ann.* 13.48, 14.17.1). For more on Roman (extra-)judicial stoning, see Pease 1907, Lintott 1999b: 6–8, 71–2. In some cases we know where the stones came from: in one instance from the ruins of C.'s own house (*Att.* 4.3.2 *Quinti fratris domus primo fracta coniectu lapidum ex area nostra*). In others we might be meant to imagine that the Clodians came already armed with stones, although perhaps the Campus Martius itself was stocked with enough willing pebbles. **dein subito uultu Milonis perterritus fugeret ad Tiberim** "then, terrified by the expression on Milo's face that he suddenly caught sight of, he fled toward the Tiber." For the rare *dein* rather than *deinde* in C., cf. §28n. *commoratus est, dein profectus*; in both cases it lends an air of colloquial immediacy to a narrative. Word order and sense seem to indicate that *subito* is an adjective, "(of persons or things) suddenly appearing, suddenly seen" (*OLD* s.v. *subitus* 1c), although it could be an adverb with *fugeret,* in which case *uultu ... perterritus* should be placed in commas. *uultus* is properly "facial expression, look, countenance" (*OLD* s.v. 1); Clodius is depicted as having caught sight of Milo giving him a particularly menacing look. *perterritus* might be thought another colloquial touch (Laurand 271–7), but in fact C. uses *perterritus* frequently and exclusively (42x *perterritus,* 0x *territus*; though *perterreo* in other forms 3x in C., *terreo* in other forms 36x); this is likewise the practice of Caesar, but from Sallust onward *perterreo/perterritus* all but disappears in favor of the simplex: *TLL* X.1.1782.19–43. *ad Tiberim* means "in the direction of the Tiber" (as opposed to e.g. *in Tiberim,* which would mean into the river itself). **uos et omnes boni uota faceretis ut** "you and all the *boni* prayed that." C. here implicitly unites the jurors and the optimate faction. *uotum* ("prayer," *OLD* s.v. 2) with a defining clause is rare, but cf. §76 *uota ... faceretis ut.* The alliteration in *uultu ... uos ... uota ... uirtute* is perhaps deliberately emphatic. The MSS read *faceretis* (except T: *feceritis*), and so this too is governed by *cum* and we have another clause

describing Milo's opportunities to kill Clodius at the elections. Given the progression implied in *dein*, one might have expected either *fecistis* (an indicative main verb) or some further connective word. **ut Miloni uti uirtute sua libēret:** loosely, "that Milo would decide to put his courage into practice." The emphasis on Milo's *uirtus* continues (cf. §§3n., 6n. *uirtuti Milonis*). *libēret* (< *libet*, "it is pleasing") is impersonal and Milo is therefore not the grammatical subject, but he is the logical subject, hence the reflexive *sua*; cf. §37n. *monumentum sui nominis*. In C. the use of the reflexive to refer to the subject of the action expressed by such an infinitive is in fact standard: Lebreton 114–15. **quem igitur cum omnium gratia noluit, hunc uoluit cum aliquorum querela ... occidere?** a rhetorical question expresses the ironic conclusion: when Milo had so many better opportunities to kill Clodius with impunity, he did not. Why then would he have chosen to do so in much less advantageous circumstances later on? (An enthymeme, i.e. a rhetorical syllogism in which the audience must supply a premiss or the conclusion: Quint. *Inst.* 5.14.2–3 on this passage.) So C.'s bluster, although it is hard to see how the circumstances and their consequences are really so different. For the form *quem ... hunc*, cf. §13n. *cuius ... de eius*. *igitur* is here used for an ironic conclusion; cf. e.g. *S. Rosc.* 52, *Deiot.* 22. The precisely parallel structure points up the precise oppositions in sense: *noluit/ uoluit*, *omnium/ aliquorum*, *gratia/ querela*. The complementary infinitive *occidere* is postponed, allowing C.'s indignation to rise through the following further rhetorical questions; the listener hangs in a state of grammatical expectation for the infinitive whose meaning will have been clear all along: when it comes, the tension is resolved and the sentence is punctuated with a double-cretic clausula (*dubitāuĭt ŏccīdĕrĕ*). *querēla* ("complaint") seems to be better orthography than *querella*, although the etymology of the suffix *-ēla*, used to make verbal abstracts, is unclear: Weiss 301 (cf. *clientela* < *cliens*, *loquela* < *loquor*, *tutela* < *tutor* < *tueor*). **quem iure ... quem impune non est ausus, hunc ... periculo capitis non dubitauit occidere?** a tetracolon of parallel contrasts. The second half of each contrast is longer: *iure/ iniuria*, *loco/ iniquo loco*, etc. C. has in fact only touched on *locus* and *tempus* in the *narratio*, but he will soon give them full treatment (§§45–54). Again, he claims that Milo could have killed Clodius with impunity on these other occasions, but there is no reason to believe that he would not have faced similar charges if he had: this is deceptive (not to say empty) rhetoric. There is no reason to read <u>*cum*</u> *periculo capitis* with Quintilian, whose citation of this passage contains several slips. The bare ablative of attendant circumstances better parallels the foregoing members of the tetracolon and is found elsewhere: cf. e.g. *Sest.* 98 *haec fundamenta ... uel capitis periculo defendenda sunt* (*cum*

periculo is very common, which may have influenced Quintilian's memory or a scribe's pen: *TLL* x.1.1468.57–73).

42 Praesertim, iudices, cum honoris amplissimi contentio et dies comitiorum subesset "especially, members of the jury, since he was involved in a campaign for the grandest position and election day was looming." C.'s shift to a new (but related) topic is signaled by an address to the jurors. He argues that it is especially unlikely that a candidate for the consulship would want to be caught up in a murder. *honor* here refers to "(high) political office" (*OLD* s.v. 5, §24n. *qui non honoris gradum spectaret*; for *honoris contentio*, see *TLL* IV.675.35); cf. e.g. *Sul.* 81 *ut iam uideatur honoris amplissimi nomen plus inuidiae quam dignitatis afferre* with Berry. *honor amplissimus* is a fixed phrase that elsewhere also refers to other kinds of honors; cf. e.g. §81 *honores assequeretur amplissimos*. For *dies comitiorum* "election day," see *TLL* III.1809.35–49. Strictly speaking *subesset* "was looming" (*OLD* s.v. 4b "[of times and seasons] to be due to arrive") applies only to election day, as the campaign for consul was in full swing, but the simplex *esset* can be understood with the first half of the sentence. In C. *praesertim* prevails over *praecipue ca.* 350x to 50x (*TLL* x.2.478.60), but more than 150 of those instances are in the phrase *praesertim cum* (in C. never *praecipue cum*, which is rare in other authors too) and *ca.* 45x *cum praesertim* (cf. *TLL* x.2.867.25). **quo quidem tempore** "the very time at which," a fixed phrase in C. (18x) but rare elsewhere (3x Vell., 1x Suet., 6x in the *Hist. Aug.*); *quidem*, as often, coheres with a pronoun (cf. §12n. *quae quidem si potentia est appellanda … appelletur ita sane*) and is here emphatic, with an implied contrast to "all other times" (cf. Solodow 1978: 94–6). **scio enim quam timida sit ambitio quantaque et quam sollicita sit cupiditas consulatus:** C. the experienced candidate speaks (again calling himself as a sort of witness): a political campaign is a nerve-wracking thing. *ambitio* usually refers, as here, to canvassing in general (*OLD* s.v. 1–2), not to Engl. "ambition." Both *timidus* and *sollicitus* can mean "fearful, worried" or, as here, "accompanied by anxiety" (*OLD* s.vv. *timidus* 2, *sollicitus* 3). For similar worries, cf. e.g. *Mur.* 35–6 *quod enim fretum, quem Euripum tot motus, tantas, tam uarias habere putatis agitationes commutationesque fluctuum, quantas perturbationes et quantos aestus habet ratio comitiorum? dies intermissus aut nox interposita saepe perturbat omnia, et totam opinionem parua non numquam commutat aura rumoris. saepe etiam sine ulla aperta causa fit aliud atque existimaris, ut non numquam ita factum esse etiam populus admiretur, quasi uero non ipse fecerit. nihil est incertius uulgo, nihil obscurius uoluntate hominum, nihil fallacius ratione tota comitiorum.* For more on contemporary electioneering, cf. §25n. *conuocabat tribus* and the *Commentariolum petitionis*, esp. 16–33. **omnia … intuemur:** a falling tricolon arranged with further

attention to rhetorical detail. The chiasmus of *reprehendi palam* and *obscure* ["in secret," *OLD* s.v. 3] *cogitari* points up the contrast; *fabulam falsam, fictam, leuem* presents a further tricolon; and each member of the larger tricolon ends with a rhythmic flourish (molossus-ditrochee: *cogitārī pōssūnt tĭmēmūs*; double cretic: *leuēm pĕrhōrrēscĭmūs*, hence the *per-* prefix; ditrochee: *īntŭēmūr*). The word order of the emphatically alliterative *ora omnium atque oculos*, where the genitive is expressed with the first word but understood with both, is common and called *coniunctio* (*Rhet. Her.* 4.38): cf. e.g. *Leg.* 2.15 *dominos esse omnium rerum ac moderatores deos*, Powell 2010: 173 (comparing Engl. "good men and true"), K–S II.620–1; in this speech §24 *plenum annum atque integrum*, §47 *abiecti homines et perditi*, §36 *egentium ciuium et facinorosorum*, §48 *illum heredem et me*, §61 *pura mente atque integra*, §76 *aut depellere potuissetis aut ferre*, §77 *neque tam diuturnam laetitiam … nec tantam*, §87 *dura … Fortuna populi Romani et crudelis*. The transmitted *rumorem* is superfluous with *fabulam falsam, fictam, leuem* and the phrase is oddly unbalanced (*rumorem* with no epithets and *fabulam* with three); it is probably an intrusive gloss. For *fabula falsa*, cf. §8n. *etiam fictis fabulis*; for *falsus* and *fictus*, cf. §66 *omnia false atque inuidiose ficta comperta sunt*. For the force of the (rare) uncoordinated tricolon of adjectives, cf. §27n. *iter sollemne, legitimum, necessarium*. On rumors, cf. *Rhet. Her.* 2.12, Q. Cic. *Pet.* 50, 54. **nihil est enim:** for the word order, with *enim* in third place after *est* (usual but not invariable in C.: *nihil est enim* ca. 57x, *nihil enim est* ca. 15x), cf. §34n. *quis enim erat ciuium*. **tam molle, tam tenerum, tam aut fragile aut flexibile:** an ascending tricolon underscored by anaphoric asyndeton. *mollis* and *tener* are constantly combined (cf. e.g. *Leg.* 2.38 *nihil tam facile in animos teneros atque molles influere quam uarios canendi sonos*); *fragilis* with *flexibilis* apparently only here (both words are rare in C. and only found here in the speeches). Cf. *De orat.* 3.176 *nihil est enim tam tenerum neque tam flexibile neque quod tam facile sequatur quocumque ducas quam oratio*, *Orat.* 52 *est oratio mollis et tenera et ita flexibilis, ut sequatur quocumque torqueas*; in those two passages the image is clearly of molding wax or clay (cf. Courtney on Juv. 7.237–8), and that may be the case here as well. **uoluntas erga nos sensusque ciuium** "the citzenry's feelings [*OLD* s.v. *sensus* 8] and good will [*OLD* s.v. *uoluntas* 8b] toward us"; cf. e.g., in electioneering contexts, *Agr.* 2.4 *uestrarum erga me uoluntatum ac studiorum*, Q. Cic. *Pet.* 4 *hoc multum uidetur adiuuare posse nouum hominem, hominum nobilium uoluntas*, 42 *sermo ad eorum quoscumque conuenerit sensum et uoluntatem commutandus et accommodandus est*, 55 *equestris ordinis erga te studium*. **qui non modo improbitati irascuntur cāndĭdātōrūm sed etiam in recte factis saepe fastidiunt** "who don't get angry just at candidates' outrageous behavior, but often show their displeasure even in cases of right conduct." *improbitati*, a Ciceronian favorite (*ca.* 98x in C.;

otherwise relatively rare, only 22x elsewhere in PHI), is focused by being placed as far forward as it can go; *candidatorum* is then postponed to allow for alliteration and a cretic-trochaic clausula to close the colon. The phrase *recte facta* is common (cf. §96n. *fortes et sapientes ... recte facta*; for substantive *facta* see Laughton 1964: 77), and *in* + ablative is often used with verbs of emotion to indicate their field of reference (K–S I.397). *fastidio* in the sense "feel aversion" (*OLD* 3b) is typically transitive (cf. *Pis.* 68, the word's only other use in C.), but the intransitive is more common than acknowledged by the *OLD*: *TLL* VI.1.309.16–31.

43 diem Campi "election day," *OLD* s.v. *campus* 2b. **speratum atque exoptatum** "hoped for and longed for," an example of C.'s love of doublets, although this one elsewhere only at Apul. *Pl.* 2.18 *sperata quippe atque exoptata uix pauca ... proueniunt.* **sibi proponens** "imagining" (*OLD* s.v. *propono* 5b); cf. e.g. *Catil.* 4.12 *cum ... mihi proposui regnantem Lentulum.* **cruentis manibus** "with blood on his hands," ablative of attendant circumstances; the *iunctura* is common: Sal. *Jug.* 31.12, Verg. *G.* 4.15, *Aen.* 2.167, Sen. *Med.* 15, etc. Cf. §20n. *ex P. Clodi telis et ex cruentis eius manibus* for a perhaps different use of the phrase. **scelus et facinus prae se ferens et confitens** "making no secret of and confessing his wicked crime." For *prae se fero* "display, parade" (*OLD* s.vv. *prae* 3b, *fero* 9), cf. §52 *prae se tulisse.* The phrase *scelus et facinus* is another Ciceronian doublet, although C. more commonly moves from *facinus* to *scelus* with slight amplification, e.g. *Ver.* 5.170 *facinus est uincire ciuem Romanum, scelus uerberare, prope parricidium necare* (cf. Quint. *Inst.* 8.4.4; so too at e.g. *Sul.* 86, *Pis.* 46, *Phil.* 11.10, Tac. *Ann.* 11.34.1). But for *scelus ... facinus* cf. §103, *Phil.* 13.21, *Sen.* 40. **ad illa augusta centuriarum auspicia:** the auspices would be taken by the presiding consul from midnight to dawn at the Campus Martius on the day of the elections; C.'s wording implies that the candidates would have arrived at some point during this time. On the auspices at elections, see Taylor 1966: 7–8, 62–3, and more fully Botsford 1909: 100–18. The assonant *augusta auspicia* appears only here. **ueniebat?** "would he be coming?" The imperfect seems to indicate what Milo would have had in mind as he came to the *comitia*: cf. Pinkster 2015: 412–13. **quam hoc non credibile in hoc, quam idem in Clodio non dubitandum** "how unbelievable this is in the case of my client, how likely it is for Clodius!" A tendentious claim, as Clodius and Milo doubtless had about the same motivations to kill each other. But C.'s foregoing arguments have prepared the ground carefully: Clodius, he has claimed, has a constant history of violence without cause, whereas Milo has a history of refraining from even justified violence. This entire argument is, at best, a red herring, continuing to insist that either Milo or

Clodius deliberately ambushed the other, but the prosecution argued on those terms as well (Asc. 41C; see Introduction pp. 23–4). Clark reads *non credibile est* with H, but this is more likely to be H's addition; the ellipsis is in keeping with a brisk and colloquial question: cf. §23n. *et ii lecti iudices, isque praepositus quaestioni.* **cum se ille interfecto Milone regnaturum putaret** "since he thought that with Milo dead he would rule as king." The charge that Clodius would "rule as king" was damning in Republican politics (enough to get Ti. Gracchus killed: cf. §8n. *P. Africanum ... C. Carbone ... Ti. Gracchi*). *cum se ille* is Halm's emendation for the transmitted *qui(n) se ille*: *quin* was a scribal reflex after *dubitandum.* Stangl's *qui se ipse*, adopted by Clark, is forceful but palaeographically less likely, requiring two stages of corruption. **quid? quod caput est audaciae, iudices? quis ignorat maximam illecebram esse peccandi impūnĭtātīs spēm?** "What's the source of reckless behavior, members of the jury? Who doesn't know that hope of escaping punishment is the strongest incentive to commit a crime?" *illecebra* is "an incitement to" (*OLD* s.v. 1b), usually used in a negative sense (*TLL* VII.1.365.6–7; cf. Engl. "temptation"). *peccandi* is postponed, drawing attention to the word and allowing it to be juxtaposed with *impunitatis.* Placing the monosyllabic *spem* at the end of the period may be emphatic (cf. §10n. *insidiatori uero et latroni quae potest inferri iniusta nex?*); it also produces a cretic-trochaic clausula. The transmitted text as typically punctuated (with a comma after *iudices*) presents problems: *audaciae* as a genitive in a statement ("that which is the chief source of criminal boldness") is redundant with what follows, and the word cannot be construed as a dative with *illecebram* (impossibly tortured word order). One remedy is to excise *audaciae* (perhaps a miscopying induced by the following *iudices*), restoring the standard idiom *quod caput est* ("what's most important"; cf. e.g. §53 *uideamus nunc id quod caput est*) as C. builds to a conclusion. But this seems out of place with preceding *quid?*, which itself sets up a concluding question. Furthermore, *caput* + genitive is common (e.g. *Clu.* 9 *caput illius atrocitatis atque inuidiae*), and *audaciae* is found in the grammarian Iulius Severianus' quotation of this passage (*RLM* 361.28, from between the fourth and sixth centuries: Martindale 1980: s.v. Severianus 7). Simply punctuating with a question mark after *iudices* removes all these difficulties; *quod* is then an interrogative adjective (*OLD* s.v. *qui*[1] 1; i.e., to overtranslate: "out of the various possible sources of reckless behavior, which is the source?"). For the rhetorical question, cf. e.g. *Mur.* 82 *qui locus est, iudices, quod tempus, qui dies, quae nox cum ego non ex istorum insidiis ... eripiar atque euolem?* **in utro igitur haec fuit?** C. moves explicitly to a comparison (*collatio*) between Clodius and Milo, standard practice in a conjectural case where probabilities are being argued (cf. e.g. *Rhet. Her.* 2.6, *Inv.* 2.24). C.'s following argument hardly coheres: there is no reason

to believe that Clodius would have thought that he could kill Milo without being tried for murder, and if he had thought he would go unpunished, Milo surely could have thought the same thing. **qui etiam nunc reus est facti aut praeclari aut certē nĕcēssārī:** for the language, cf. *Off.* 3.19 (of Caesar's assassination) *qui* [sc. *populus Romanus*] *ex omnibus praeclaris factis illud pulcherrimum existimat*; further instances of euphemistic *pulcherrimum factum* at *Phil.* 1.9, 2.36, 114, *Fam.* 12.3.1. C. tempers his praise slightly with the rhyming and rhythmic *aut certe necessari* ("or at least necessary"); cf. e.g. his description of the Nones of December, the day he executed the Catilinarian conspirators (*Flac.* 102): *quem ego diem uere natalem huius urbis aut certe salutarem appellare possum.* Editors of C. typically print the genitive singular of adjectives like *necessarius* as *necessarii* rather than *necessari* (and vice versa with nouns: see §3n. *huius exitum iudici*). Either form would give a good rhythm in this case, but *necessari* is here adopted for the sound-play with preceding *praeclari.* **an in Clodio qui ita iudicia poenāmquĕ cōntēmpsĕrāt:** the reasoning is tendentious; Clodius of course would have been subject to a trial as well, but C. has well argued that Clodius often acted with violence heedless of its judicial consequences. The doublet *iudicia poenamque* secures a double cretic clausula with *contempserat* (for the pluperfect, cf. §74 *contempserat*). **ut eum nihil delectaret quod aut per naturam fas esset aut per leges liceret** "that he enjoyed nothing that was sanctioned by the laws of nature or the laws of man." Strongly phrased slander, as C. says that Clodius positively delighted in breaking the law and indeed could be pleased by nothing less. *per naturam fas* and *per leges liceret* here refer to natural/divine law and human law respectively; cf. §10 *non scripta, sed nata lex.*

Tempus (§§44–51)

C. now turns to various arguments designed to show that Clodius had the means to prepare an ambush for Milo, while Milo could not have prepared such an ambush for Clodius. In this section he focuses on the question of timing: the day of Clodius' and Milo's journeys (§§44–7) and the time of day when the fatal encounter occurred (§§48–51). As he will also do in §§53–6, C. here revisits key elements of the *narratio.* While in large part he simply repeats himself, he occasionally provides important new information as well, and this amplification makes even his bare repetitions feel more convincing.

44 Sed quid ego argumentor, quid plura disputo? C. switches to a different tack. For *sed quid ego*, cf. §18n. *sed quid ego illa commemoro?*; almost the same transition is found at *Att.* 13.29.2 *sed quid argumentor?* and *Ver.* 2.119

de quo crimine quid ego disputem ... quid porro argumenter? The subject *ego* is expressed to contrast with the following *te* ("but why do *I*..."). **te, Q. Petilli, appello, optimum et fortissimum ciuem:** *te* is strongly fronted and joined with the preceding sentence only by emphatic contrast with *ego*; so too the parallel *te, M. Cato* immediately following. *appello* is a technical term for calling on a witness (*OLD* s.v. 2), but there is no evidence that Petillius (or Cato) actually testified for the defense during the preceding three days of witness testimony; they are rather called upon to attest to the truth of what C. is about to say. (There is in fact no evidence of defense witness testimony, period. Asconius mentions only prosecution witnesses [40C; cf. 54C], and C. refers to some of this testimony explicitly [§§46, 59], but he never cites defense witnesses. Nevertheless, absence of evidence should not necessarily be construed as evidence of absence. C.'s general practice with defense witness testimony is very hard to recover, since usually witnesses testified after he spoke; it is only under Pompey's laws and in the second *actio* of trials for *repetundae* that witnesses would have given their testimony before C.'s speech: see Introduction pp. 15–16 and Lintott 2004: 76 n. 60.) Petillius was not mentioned when C. first introduced this story in §26; there C. cited only the much more famous Cato. But here he is trying to prove the story, and the uncorroborated testimony of a single witness was commonly held to be insufficiently probative: in fact, a contemporary orator claimed that you should never trust a single witness – not even if he happens to be Cato himself! (Plut. *Cat. min.* 19.4; further Greenidge 1901: 481–2.) The *gens Petillia* was a plebeian family of moderate distinction since the second century BC; of this Q. Petillius (*RE* 6 or 7?) nothing further is known for certain: a Q. Petillius served as an officer with Cn. Pompeius Strabo in the Social War (*CIL* I².709 + p. 714 [= VI.37045] = *ILS* 8888), and a second is mentioned in a *senatus consultum de Asclepiade* from 78 (*CIL* I².588 = *IG* XIV.951; Raggi 2001); either (or neither) could be our man. The inscriptional evidence points to *Petil̲l̲ius* (MSS *Petilius*). **te, M. Cato, testor:** for Cato, cf. §16n. *auunculus huius iudicis nostri, fortissimi uiri, M. Catonis. te* + vocative precisely parallels the preceding *te, Q. Petilli*; the word *testor*, another technical term for calling on a witness (*OLD* s.v. 1), slightly varies *appello*. **quos mihi diuina quaedam sōrs dĕdīt iūdĭcēs:** both Cato and Petillius were jurors in the trial. Under Pompey's special procedure the jurors were chosen by lot (*sors*) on the last day of the trial (see Introduction p. 13). With *diuina* C. implies both that human choice had nothing to do with the selection of the jurors and that the gods were particularly propitious in picking Cato and Petillius. Softening *quaedam* is a Ciceronian reflex with *diuinus*; cf. §21n. *diuina quadam mente praeditus.* The word order *sors dedit iudices* makes it clear that *iudices* is predicate ("gave me as jurors") while

securing a double cretic clausula (cf. §100 *fortunam ... ducam meam*); for the phrase without *diuina* used less charitably of random chance, cf. *Q. fr.* 1.1.11 *quaestorem habes non tuo iudicio delectum sed eum quem sors dedit, Mur.* 18. **uos ex M. Fauōnĭo aūdīstīs:** expressing and fronting *uos* focuses Petillius and Cato as subjects and combines the preceding parallel *te ... te.* For M. Favonius (*RE* 1), cf. §26n. <*M.*> *Fauonio, fortissimo uiro.* Syncopated *audisti(s)* is the rule in C. (72x *audistis* vs. 2x *audiuistis*; 16x *audisti* vs. 0x *audiuisti*). The long form, with its four heavy syllables, was ungainly; the short form allowed for cretic-trochaic clausulae, as here. **Clodium sibi dixisse ... periturum Milonem triduo** "that Clodius told him [= Favonius] that Milo would be dead within three days." For the story, cf. §26 *respondit triduo illum aut summum quadriduo esse periturum*; again C. has become oddly more specific in his retelling here. For the value of such eyewitness testimony, cf. *Rhet. Her.* 2.8. *sibi* = *Fauonio,* as though Favonius were the subject of the sentence (i.e., *uos ex M. Fauonio audistis* ≈ *M. Fauonius uobis dixit*); cf. K–S 1.608–9. As archaic examples show, in origin the form in -*urum* was probably not a future participle but rather the future infinitive (Weiss 446–7, Löfstedt II.12–14), and even in C. *esse* is just as commonly omitted as expressed in a future infinitive; rhythmic considerations seem to play a role (cf. §26 *esse periturum,* a resolved cretic-trochee in clausular position). *triduo* in last position is emphatic and neatly juxtaposed with the following *post diem tertium.* **et audistis uiuo Clodio** "and you heard while Clodius was still alive." For this form of emphatic repetition, cf. §27 *profectus est ... atque ita profectus est,* §58 *dixit ... et dixit,* §61 *magna uis est conscientiae ... et magna in utramque partem*; for *geminatio* more generally, cf. §21n. *Non fuit ... profecto non fuit cur.* Commentators say that *uiuo Clodio* implies that Clodius could have denied the allegation at the time. It might better be taken to imply that Favonius had no reason to fabricate the tale, as he might have done after Clodius' death in order to justify Milo's killing. Whether Clodius ever did utter such a threat is impossible to determine: it is an oddly specific thing for him to say, and oddly convenient for the defense if he did say it, and the chain of witnesses for this hearsay is long (Clodius told Favonius; Favonius told Petillius and Cato; someone told Cicero; Cicero tells the jurors), and Clodius can no longer deny it. On the other hand, Clodius and Milo had issued death threats before (*Att.* 4.3.5 *reum Publium, nisi ante occisus erit, fore a Milone puto, si se in turba ei iam obtulerit occisum iri ab ipso Milone uideo. non dubitat facere, prae se fert,* Asc. 41C *notum tamen erat utrumque mortem alteri saepe minatum esse*), and it would be an especially bold move to tell a lie that could be contradicted by two members of the jury. Perhaps the quotation has been taken out of context (cf. Engl. "I'm going to kill him"); maybe Clodius' original *peribit* meant "he'll be finished/done for" (*OLD* s.v. 5), i.e., his campaign for the

consulship, and it would constitute a punning response to §26 *Milone uiuo.* It is not clear why Favonius did not testify himself; perhaps since he had to preside over Milo's upcoming trial *de sodaliciis* (Asc. 38–9C, 54C; so Dyck 1998: 224 n. 26)? Or perhaps he was a member of Pompey's jury album who had to hear the evidence over the preceding days and so was barred from testimony (cf. the *lex Acilia repetundarum* l. 38 *ioudex nei quis disputet* with the caveats of Crawford 1996: I.104); for Pompey's laws see Introduction p. 13. (Although Favonius must not have been among the eighty-one jurors selected on the final day of the trial, as C. does not refer to him with a demonstrative; cf. §16n. *auunculus huius iudicis nostri, fortissimi uiri, M. Catonis,* §26 *hunc M. Catonem*). **post diem tertium gesta res est quam dixerat** "the deed was done on the third day after he had spoken (his threat)." *quam* is not the accusative object of *dixerat* but rather goes with *post.* When giving a specific time with *postquam* and *antequam,* the ablative is more usual (e.g. *Att.* 5.20.1 *septimo et quinquagesimo die postquam oppugnare eos coepimus*), but with separated *post ... quam* the preposition is felt to govern the accusative; cf. e.g. *Fam.* 16.21.1 *uenerunt post diem quadragesimum et sextum quam a uobis discesserant.* The latter construction is rare in classical Latin (elsewhere in C. only at *Phil.* 8.32, *Att.* 9.10.4), and apparently not found at all with *ante ... quam* (K–S I.405). Similarly, *postquam* is usually construed with a historical perfect, even when in English we use the pluperfect; but when a specific time is given, especially with *post ... quam,* the pluperfect is used in Latin too (K–S II.355). Romans counted inclusively (as did others in the ancient world: cf. Jesus' dying on Good *Friday* and rising on the third day = Easter *Sunday*), and so *post diem tertium* = Engl. "on the third day." **cum ille non dubitārĭt ăpĕrīrē quid cogitaret:** for *aperio* "make known or clear by words," see *OLD* s.v. 12b. The MSS transmit *dubitaret*; the indirect tradition has *dubitarit* and *dubitauerit.* The reading *dubitarit* preserves normal Latin usage, accounts for the corruption to *dubitaret,* and creates a resolved cretic-trochaic clausula to end the colon. The witnesses split still further on *cogitaret* vs. *cogitarit,* but there is no reason to deviate from the expected sequence of tenses. **uos potestis dubitare quid fecerit?** a pointed contrast with the previous clause; *uos* ~ *ille, dubitare* ~ *dubitarit, quid fecerit* ~ *quid cogitaret.*

45 Quem ad modum igitur eum dies non fefellit? "Then how did he know the day?" C. prepares to revisit the muddled issue of what day Clodius set out for his "ambush"; cf. §27. For the phrase, cf. *Catil.* 1.7 *num me fefellit ... dies?* **dixi equidem modo:** i.e. in §27. **dictatoris Lanuuini stata sacrificia nosse negoti nihil erat** "it was no trouble to know that there were fixed days for the dictator of Lanuvium to perform sacrifices." On Milo's position as *dictator* of Lanuvium, cf. §27n. *ad flaminem prodendum.* For *stata*

(< *sisto*) *sacrificia*, cf. Fest. 344 M. *stata sacrificia sunt, quae certis diebus fieri debent* (further *OLD* s.v. *status*[1] 2b). C. strongly prefers syncopated *nosse* to *nouisse* (*ca.* 58x vs. 4x). *negoti nihil* "no trouble" is probably colloquial; in C. the phrase occurs elsewhere only in philosophical dialogues (*Tusc.* 1.16 *iam istuc quidem nihil negoti est, sed ego maiora molior*) and letters (e.g. *Att.* 6.1.10). **illo ipso quo est profectus die** "on that very day on which he set out." C.'s deliberate confusion about when Milo and Clodius left Rome continues. The indicative of *est profectus* in a subordinate clause in indirect speech indicates that this is Cicero's own comment; *ēst prŏfēctūs dīē* secures a double cretic clausula (and avoids the consecutive iambs of *prŏfēctŭs ēst dīē*). **at quo die!** "And on what a day!" Editors punctuate with a question mark, but this is too precious: while C. wants to be vague about the specifics, it does not serve his client's interests to draw the jurors' attention to his evasiveness. *at* rather introduces an exclamation (*OLD* s.v. 11a); cf. §39n. *at quod erat tempus!*, *Ver.* 2.160 *at quo loco!* The antecedent must be the day that Milo set out (the 18th), not the day that Clodius left Rome (the 17th), but the blurring is deliberate. **quo, ut ante dixi, fuit insanissima contio ab ipsius mercennario tribuno plebis concitata:** another reference to §27. *fuit* here is probably existential ("there was"; cf. §10n. *est*); although elegant Latin usually avoids two unconnected epithets with a single noun, when one of the adjectives is a past participle (*concitata*) there is no inconcinnity. On *concito*, cf. §38n. *cum totius Italiae concursus, quem mea salus concitarat*, although the word here could also carry a note of "stirred up": cf. §2n. *temeritatem concitatae multitudinis*. For *contiones* in general, cf. §3n. *hesterna etiam contione*; for this one, described in similarly damning language, cf. §27n. *contionem turbulentam in qua eius furor desideratus est* (cf. further §22 *populares insanias*). *mercennarius* "working for pay" (< *merces*) is very common in the sense of "a person paid to carry out unlawful acts" (*OLD* s.v. 2c), e.g. *Ver.* 5.54 *audite decretum mercennarii praetoris* (= Verres); C. had earlier accused the tribunes Plancus and Sallust of being on Clodius' payroll (cf. §14n. *reliqua auctoritas senatus empta intercessione sublata est*). For the quasi-reflexive *ipsius*, used here instead of *suo* because Clodius is not the grammatical subject, cf. §32n. *ut iam illum natura ipsius consuetudoque defendat.* **quem diem ille, quam contionem, quos clamores ... numquam reliquisset:** the emphatic tricolon results in some slight slippage with the verb *relinquo*: one can leave behind a *contio* or its shouts, but not so easily "a day." Despite C.'s implication, Clodius did not leave anything behind: he never attended the *contio*, since he had left the day before. **nisi ad cogitatum facinus approperaret** "unless he had been hurrying to a premeditated crime." The imperfect subjunctive occasionally appears in the protasis of a past contrary-to-fact condition alongside the pluperfect subjunctive in the apodosis when

English would demand the pluperfect; in some cases the imperfect may refer to a process continuing over time (e.g. *Amic.* 13 *qui* [= *maiores nostri*] *mortuis tam religiosa iura tribuerunt, quod non fecissent profecto, si nihil ad eos pertinere arbitrarentur*: their belief persisted); see K–S II.397. This usage should be distinguished from e.g. §61 *cui numquam se hic profecto tradidisset, nisi causae suae confideret*, where *confideret* refers equally to past and present time. For *cogitatum* "premeditated," cf. §32n. *in illis suis cogitatis furoribus*. **ergo illi ne causa quidem itineris:** not true, according to Asconius. Asconius reports that Clodius was returning from Aricia (see Map 1), where he had been speaking to some of the local officials (*rediens ab Aricia ... erat autem allocutus decuriones Aricinorum*, 31C). C. later admits this himself, in a passage that ill comports with the present argument (cf. §51n. *illo die certe Aricia rediens*). The artful repetitions with amplification (e.g. *illi ne causa quidem itineris* and *Miloni ... non causa solum sed etiam necessitas*) and chiastic arrangement of the present sentence underscore Clodius' and Milo's supposedly contrasting motives. C. presents a neatly packaged *collatio* between the two, as is standard operating procedure in a conjectural case. **Quid, si ut ille sciuit Milonem fore eo die in uia, sic Clodium Milo ne suspicari quidem potuit?** "What then, if just as Clodius found out that Milo would be on the road that day, so Milo couldn't even suspect that Clodius would be?" *quid si* can be used to introduce a self-evident conclusion in the form of a rhetorical question (*OLD* s.v. *quid* 13a); cf. e.g. Ov. *Am.* 1.1.7–8 *quid, si praeripiat flauae Venus arma Mineruae, | uentilet accensas flaua Minerua faces?* (i.e., no one would approve of such a thing). *ut ... sic* can join parallel or, as here, contrasting ideas (*OLD* s.v. *ut* 5b); the phrase encourages placing "Clodius" in first position in both clauses (*ut ille ... sic Clodium*). As a general rule, *sciebat* (imperfect) means "he knew," while *sciuit* (perfect) means "he found out": cf. e.g. *S. Rosc.* 97 *qui tam cito sciuit?* ("how did she find out so quickly?"). A similar distinction exists in the Romance languages (Fr. *je savais* vs. *j'ai su*, Ital. *sapevo* vs. *ho saputo*, Sp. *sabía* vs. *supe*). C. seems always to have written *sciuit* et sim., never *sciit*, although the latter forms eventually win out (implied by Quint. *Inst.* 1.6.17).

46 primum: naturally taken to imply a series of reasons, this being only the first, but in fact C. adds nothing further. **qui id scire potuerit** "how [*OLD* s.v. *qui*[2] 1] he could've known about this." The MSS are split between *qui* or *quid*; *qui id* is Halm's emendation, which explains the MSS and gives good sense. **quod uos idem in Clodio quaerere non potestis** "That same question is not one that you can ask in the case of Clodius." *quod* is a connective relative (for its coupling with *idem*, see *TLL* VII.1.203.68–84). An unemphatic pronoun in Latin very commonly attaches to the

relative, even separating a modifier (*quod uos idem*; Adams 1994b: 141–51). *quod quidem uos* would be more common, but there is no reason to suppose corruption. **ut ... rogasset:** "even supposing that he'd asked no one but T. Patina." *ut* here introduces a concessive clause (*OLD* s.v. 35b "in conceding a point for argument's sake"); examples at K–S II.251, H–S 647. **T. Patinam:** presumably from Lanuvium, but nothing else can be conjectured: it is not even clear whether *Patina* is a nomen or cognomen (*RE* s.v.). **[illo ipso die]:** Berry 2016: 17–18 rightly deletes these words as an intrusive gloss; contra Berry, I suspect that they were inserted due to the memory of §27 *quae illo ipso die habita est*, which seems more probable than two glosses in two places in the same words (as Berry hypothesizes, deleting the phrase in both passages). Milo left Rome on 18 January, and Asconius tells us that the priest was to be appointed the following day (31C *ad flaminem prodendum postera die*) – but *illo ipso die* must refer to *eo die* just above, i.e. 18 January, the day that Milo set out. Asconius must be right in stating that the priest would be appointed the following day (*pace* Lintott 1974: 68 n. 81), since the distance from Rome to Lanuvium is over 19 miles (30 km) along the Via Appia, and of course Milo was traveling with quite an entourage. (Distances calculated using Antiquity À-la-carte: https://awmc.unc.edu/wordpress/alacarte/.) They had only made it to Bovillae, about 11 miles (18 km) outside Rome (see Map 1), by mid- to late-afternoon: even on the prosecution's timeline of the fight occuring at "the ninth hour" (just before 2:30 pm; cf. §29n. *hora fere undecima aut non multo secus*), and even if they left almost immediately after the senate was dismissed at the fourth hour (just after 10:30 am; cf. §28n. *in senatu ... quoad senatus est dimissus*), they were not even traveling three miles per hour. They could not possibly have traveled eight more miles and installed a priest before nightfall *ca.* 4:42 pm. If *illo ipso die* is not to be deleted, it has to be explained as a bit of Ciceronian sleight of hand to try to persuade his audience to believe something that was not quite true (i.e. a lie). **sed erant permulti** "but there were quite a few." Compounds in *per-* tend to be somewhat colloquial; here it adds a flavor of supposedly simple candor. Such compounds are more common in C.'s earlier speeches (and *permultus* is the most common of them all: Laurand 271–3; C. uses it extensively in letters and dialogues). Existential *esse* is often first in its clause; cf. §10n. *est.* **ex quibus ... scire posset:** subjunctive in a relative clause of characteristic, especially frequent with numerical antecedents (*permulti*); cf. §12n. *qui ... non probarent.* **[omnes scilicet Lanuuini]:** another intrusive gloss (so already Lambinus in his 1566 edition): there is no reason for C. to limit where Clodius could have gotten his knowledge, especially after saying *permulti alii*, and in any case *scilicet* is a clear mark of the glossator. Clark retains the phrase because of the

clausula, but as Berry 2016: 18 points out, we will have a cretic-double-trochee with or without these words. **Milo de Clodi reditu unde quaesiuit?** the abrupt asyndeton and fronting of *Milo de Clodi reditu* sharply emphasize the contrast. *unde* here means "from whom" (*OLD* s.v. 2). **quaesiuit? quaesierit sane:** for *geminatio* introducing a concessive clause (here marked by *sane*: *OLD* s.v. 8; cf. §12n. *quae quidem si potentia est appellanda ... appelletur ita sane*), cf. e.g. *Ver.* 1.37 *"malus ciuis, improbus consul, seditiosus homo Cn. Carbo fuit." "fuerit aliis: tibi quando esse coepit?* **uidete quid uobis largiar:** for C.'s mock magnanimity, cf. e.g. *Caec.* 35 *plus tibi ego largiar.* **seruum etiam ... corruperit:** so that he had a man on the inside to report on Clodius' movements. When *etiam* is used to join antithetical or rising clauses, it is very commonly placed second in the second phrase; cf. e.g. *Brut.* 127 *laudabant hunc ... fauebant etiam* (further *TLL* v.2.925.75–926.7). **ut Q. Arrius, meus amicus, dixit:** Q. Arrius (*RE* 8) evidently testified as a prosecution witness. A man born to a lowly station (*infimo loco natus, Brut.* 243), he made his name and fortune in the service of Crassus. He had been praetor sometime before 63 (possibly in 73: full discussion in *MRR* III.25), in which year he brought news of conspirators mustering in Etruria (Plut. *Cic.* 15.5), but he fell short in his consular bid of 58 (*Att.* 2.7.3); he is probably the man made infamous by Catullus for his errant aspirates (Catul. 84 with Fordyce's introductory note) and by Horace for his expensive tastes (Hor. *S.* 2.3.86, 243). It is hard to judge whether *meus amicus* is ironic or sincere (cf. *Cael.* 27 and esp. *Phil.* 8.11): C. felt that he had been betrayed by Arrius during his exile (*Q. fr.* 1.3.8), and his judgment in the *Brutus* is harsh (242–3 with Douglas). But he mentions him at *Vat.* 30 *in epulo Q. Arri, familiaris mei* with no trace of irony, and he could simply be trying to dissolve any impression that Arrius' testimony was damaging to his case. **legite testimonia testium uestrorum:** the witnesses had been heard on the preceding three days of the trial, and some sort of written summary was prepared (Asc. 39C with Marshall, Greenidge 1901: 394–6). But C. is probably not literally asking the prosecution to read that testimony out loud in the middle of his own speech (*pace* Greenidge 1901: 487 n. 5); this is simply a rhetorical gesture ("remember what your own witnesses said"). The paronomasia of *testimonia testium* is not found elsewhere; closest is perhaps Sen. *Nat.* 4a.2.24 *testimonium eius testium turbā coarguitur.* **dixit C. Causinius Schola, Interamnanus, familiarissimus et idem comes Clodi:** C. Causinius (*RE* s.v.) Schola was one of Clodius' known companions that fateful day (Asc. 40C; cf. the conjecture at Asc. 31C), and he had given Clodius his alibi in the Bona Dea trial a decade ago (see next note); he is otherwise unknown. An adjective specifying place of origin is extremely common in introducing witness testimony; sometimes it is followed up on, as it appears to be here

(cf. e.g. *Ver.* 2.35 *Heraclius est Hieronis filius Syracusanus, homo in primis domi suae nobilis et ante hunc praetorem uel pecuniosissimus Syracusanorum*), and even when it stands alone it can have some point (e.g. *Flac.* 42 *Heraclides ille Temnites*, where C. is concerned to contrast the testimony of a "Greek" from a provincial town in Asia Minor with the testimony of Athenians). The form *Interamnanus* is indicated by the MS testimony, but if correct, it is found only here (*Interamnas* elsewhere; cf. e.g. *Att.* 4.15.5). *dixit* placed first supplies the rhetorical follow-up to C.'s foregoing *legite*. Classical Latin uses (*et*) *idem*, not *et etiam* (vel sim.), for Engl. "he was X *and also* Y." **cuius iam pridem testimonio Clodius eadem hora Interamnae fuerat et Romae** "according to whose testimony given some years ago, Clodius had been at Interamna and Rome at the same time." The reference is to Clodius' alibi in the Bona Dea scandal, which C. exploded by claiming that he had seen Clodius in Rome that day (Schol. Bob. 85.28–32 St., Plut. *Cic.* 29.1; cf. *Att.* 1.16.2, 2.1.5, *Dom.* 80, Quint. *Inst.* 4.2.88). Many have viewed this clause as an interpolation (most recently Berry 2016: 19), not without some reason. Both the lemma in Asconius and H omit the clause, and Asconius goes on to explain the reference to Causinius (49C): "this was the Causinius at whose house in Interamna Clodius claimed that he'd stayed on the night when he was caught in Caesar's house, when the Vestal Virgins were performing secret rites there on behalf of the Roman people." But Asconius could have written that note whether or not his text included *cuius ... Romae*. In any case, the lemmata of Asconius are not necessarily to be preferred (cf. §32n. *itaque ... ualeat*), and H very frequently omits words. It seems much more likely that C. would want to emphasize his point with a phrase like this – he had every reason to make his point about this witness's unreliability unmistakably clear – and its sarcastic wit feels characteristic of C., not of a glossator, even to the level of the "tacked-on" *et Romae* punchline. If C. did not write these words, he should have. As concerns Latinity, the only source for doubt is *cuius iam pridem testimonio*: only here does *iam pridem* modify a substantive (*TLL* x.2.1226.50–2). But such a bold usage seems easier to impute to a Cicero than to a scribe. The notion that C. would not wish to weaken Causinius' credibility (cf. e.g. Clark ad loc., Berry 2016: 19) is unfounded: C. only "accepts" his testimony for the sake of argument, and already by §48 he has implicitly rejected it (*si quidem exiturus ad caedem e uilla non fuisset*). C.'s mention that Causinius is from Interamna (*Interamnanus*) is thus perhaps also pointedly emphatic. The question of which Interamna is meant – the one in southern Latium on the river Liris some 75 miles (120 km) southeast of Rome or the one on the river Nar in Umbria about 46 miles (75 km) northeast of Rome – seems unresolvable, as the evidence is contradictory (cf. Lintott 2008: 158 n. 37).

P. Clodium illo die in Albano mansurum fuisse "that P. Clodius had been going to stay on his Alban estate that day." With *in Albano* understand *fundo* or *praedio*; cf. §54n. *sciebat in Alsiensi esse.* This "Alban estate" had long been identified with a structure found just east of the Via Appia around the thirteenth milestone in modern Castel Gandolfo (Lugli 1915: 263–80; cf. Della Giovampaola 2008 for discussion of earlier archaeological work), but an ongoing study by the Danish Academy in Rome suggests that the structure is more likely to be the shrine of the Bona Dea mentioned at §86; see Dionoso *et al.* 2019: 139–42 with further references. In the absence of inscriptional evidence, identifications of owners of villas in the region necessarily remain conjectural. **subito ... repente:** both words mean "suddenly," and the difference here is probably for *uariatio* and alliteration (*sed subito, repente Romam*); cf. e.g. *Sul.* 69. C. shows a slight tendency to prefer *repente* in the speeches (83x vs. 65x), a pattern which is reversed in the letters and philosophical and rhetorical writings (*ca.* 49x *repente* vs. 76x *subito*). This reflects a general tendency of *subito* to be more colloquial and *repente* more elevated, although this is only a tendency, not a law: further Löfstedt 1911: 168–70. **Cyrum architectum:** Vettius Cyrus (*RE* s.v. *Kyros* 7) was a Greek architect in Rome who worked for both C. and his brother Quintus Cicero, as well as for Clodius (*Att.* 2.3.2, *Q. fr.* 2.2.2). For his gentilicium, see Shackleton Bailey ad *Att.* 2.4.7. **dixit hoc item comes P. Clodi:** *item* "in addition, likewise" (*OLD* s.v. 4) means that C. Clodius too was a traveling companion of Clodius. Since *item* usually comes before the word it modifies (*TLL* VII.2.532.51–7), the order of HV^c seems preferable to ET (*comes item*). **C. Clodius:** a "well-known member of the plebs" (Asc. 31C), perhaps a descendant of a Clodian freedman (*RE* s.v. *Clodius* 7) but otherwise unknown; not the C. Claudius who was P. Clodius' brother (*RE* s.v. *Claudius* 303).

47 **quantae res his testimoniis sint confectae** "what important facts are established [*OLD* s.v. *conficio* 6] by their testimony." C. cleverly turns the prosecution testimony to his favor, showing that by their witnesses' own words neither Milo nor he himself could have had any part in plotting Clodius' death. **certe liberatur Milo non eo consilio profectus esse ut insidiaretur in uia Clodio** "Milo is clearly freed from the charge of having set out deliberately to ambush Clodius on the road." The personal "nominative with infinitive" construction is standard with e.g. *dicitur* and *uidetur* (*uidetur bonus esse uir*, not *uidetur bonum esse uirum*), but it is unusual and unparalleled with *liberatur* (K–S I.705). The use of *non* is also hard to explain; what one is "freed from" is not normally negated: cf. e.g. *S. Rosc.* 65 *iudicio absoluti adulescentes et suspicione omni liberati sunt*, 129 *ficto crimine liberatus*, 143 *culpa liberatus et crimine nefario solutus.* In a passage like *Dig.*

12.4.16 pr. (Celsus) *non liberaberis quo minus a te pecuniam repetere possim* ("you won't be freed from my being able to demand from you the return of the money"), *quo minus* is used because the verb of freeing is itself negated. *liberatur ... non* actually looks like a syntactic Grecism (cf. Thuc. 1.95 ἀπολύεται μὴ ἀδικεῖν), although in one of C.'s speeches this seems almost impossible to believe (on syntactic Grecisms in Latin, see Coleman 1975). It is perhaps instead a sort of unconscious or colloquial clarification of what Milo did *not* do (cf. colloquial Amer. Engl. "can't hardly wait" or "it's not raining, I don't think"). **quippe** "obviously" (*OLD* s.v. 1b), the standard use of the word in first position in the sentence and introducing an explanation (Schrickx 2011: 111, 123); cf. §33n. *mouet me quippe lumen curiae.* **si ille obuius ei futurus omnino non erat** "if Clodius (*ille*) was not going to meet him [*ei* = Milo] at all." For *obuius esse* "to meet," cf. *Caecin.* 76 *sin autem ingredienti ... obuius fueris.* **cur non meum quoque agam negotium** "why I shouldn't tend to my own interests as well." *suum negotium agere* is idiomatic for "feather one's nest" (*OLD* s.v. 7b), i.e., to take advantage of a fortuitous opportunity for one's own benefit. The mild hyperbaton further focuses *meum.* **fuisse qui ... diceret:** according to Asconius (49C), the tribunes Q. Pompeius (*RE* 9) Rufus and C. Sallustius (*RE* 10) Crispus (the future historian) gave speeches urging the people to pass Pompey's legislation; on these men and their possible connections to Milo, cf. §28n. *cum uxore*; on Pompey's bills see Introduction p. 13. The mood of *diceret* is not just to be explained as a subordinate clause in indirect discourse; it is part of a relative clause of characteristic (*NLS* §155). Expressions like *est qui dicat* and *sunt qui dicant* are formulaic in reporting an opinion that the speaker would like to distance himself from; cf. e.g. *Catil.* 2.12 *sunt qui dicant ... a me eiectum esse Catilinam. quod ego si uerbo assequi possem, istos ipsos eicerem qui haec loquuntur,* §91 *sunt qui de uia Appia querantur.* The reading *diceret* (HV^{c}, Asc., Schol. Bob.) is better attested than *dicerent* (ET), and it is in C.'s interest to paint this view as a minority opinion of one; perhaps only one of the tribunes made this claim. Admittedly by the end of the sentence it has become *describebant,* but this shift, in conjunction with the common *sunt qui dicant,* perhaps influenced a scribal simplification. **Milonis manu caedem esse factam, consilio uero maioris alicuius:** a very close reporting of the original speaker's words (cf. Asc. 50C): C. is throughout emphatic that it was Milo's slaves, not Milo, who killed Clodius (cf. e.g. §29 with notes); he avoids the strong word *caedes* when describing Clodius' death in his own words (cf. §18n. *quae cruentata ... caede ... sanguine imbuta est*); and in his own voice *maioris alicuius* would be misplaced flattery of himself and condescension toward his client. At *Phil.* 2.21 Antony is said to accuse C. of having masterminded Clodius' death in similar language (*P. Clodium meo consilio*

interfectum esse dixisti); C. responds that during Milo's trial no one had leveled this accusation (*quod ... cum res agebatur, nemo dixit, id tot annis post tu es inuentus qui diceres*, 2.22). This is tendentious at best: it is likely true that the prosecution never brought these rumors up in the trial – C. would surely have rebutted any such charge, and that rebuttal would be preserved in the present speech – but they were plainly in the air. This was not the first time C. had been accused of being behind Milo's moves: cf. *Att.* 4.3.5 (23 November 57) *meo consilio omnia illi* [= *Clodiani*] *fieri querebantur.* For the contrast between *manus* and *consilium*, cf. *S. Rosc.* 97 *cuius consilio occisus sit inuenio, cuius manu sit percussus non laboro* (further *TLL* VIII.368.56–7). **me uidelicet latronem ac sicarium abiecti homines et perditi describebant** "clearly it was me whom unprincipled and morally bankrupt people were describing as a brigand and a murderer." C. ends the pretense of coyness, fronting *me* and giving it further focus with *uidelicet.* The word *uidelicet* marks a truth that is supposed to be "objectively" obvious; *scilicet* would connote a truth clear only to the particular audience of the phrase, who might for example have special knowledge or skill (Schrickx 2011: 181–2). For *latronem ac sicarium*, cf. §17n. *non qua populus uteretur, sed ubi impune sui posteri latrocinarentur, TLL* VII.2.1015.60. On the political valence of *perditi*, cf. §4n. *a perditissimis ciuibus*; the word is combined with *abiecti* at e.g. *Ver* 3.103 (without political overtones), *Fam.* 10.15.1 (L. Munatius Plancus writing) *perditum abiectumque latronem* (sc. *Antonium*). For the "good men and true" word order, cf. §42n. *omnia ... intuemur*; it here serves to vary the foregoing *me ... latronem ac sicarium.* The imperfect of *describebant* may carry some conative notion ("they were *trying* to depict"). **iacēnt sŭīs tēstĭbūs** "they are brought down [*OLD* s.v. *iaceo* 5, *TLL* VII.1.28.18–30] by their own witnesses," i.e., hoist with their own petard. C. sweeps on to his conclusion with a fronted verb without further sentence connection. The more common order is *testibus suis,* and so *suis testibus* may be slightly more emphatic ("by their *own* witnesses"); it also creates a double-cretic clausula for the colon. For the instrumental ablative of *suis testibus,* cf. e.g. Verg. *Aen.* 1.99 *telo iacet Hector.* Witnesses, although people, are often regarded as instruments: cf. e.g. *Ver.* 1.1 *tam multis testibus conuictus* (on instrumentalized people, cf. §26 *seruos quibus siluas publicas depopulatus erat*; further K–S 1.380). **[hi] qui Clodium negant ... nisi de Cyro audisset, fuisse rediturum** "who say that Clodius would not have returned to Rome that day if he hadn't heard about Cyrus." Latin prefers *nego* to *dico non* for "say ... not" (A–G §580b; cf. §7 *negant,* §63 *negabant eum Romam esse rediturum,* §95 *negat ... negat ... non negat*). The condition is past contrary-to-fact in indirect speech (*NLS* §280). The impossible *hi* is transmitted in the MSS, perhaps the intrusive vestiges of a note indicating the antecedent of *qui* (i.e.,

testibus). **respiraui, liberatus sum; non uereor ne:** a rising tricolon of rising irony, again with fronted verbs and no sentence connection. For *respiro* "recover from one's anxiety or alarm" (*OLD* s.v. 1b), cf. e.g. *Fam.* 6.2.2 *si armis ... positis ... ciuitas respirauerit, et dignitate tua frui tibi et fortunis licebit.* **quod ne suspicari quidem potuerim, uidear id cogitasse:** when a subjunctive verb in a relative clause (*potuerim*) is dependent on a perfect infinitive (*cogitasse*) that is itself dependent on a present verb (*uidear*), C. varies between primary (*potuerim*) and secondary sequence (*possem*). For the opposite choice, cf. §86 *non fuisse credo fas ... ullo in loco potius mortem eius lacerari ... quam in quo <u>esset</u> uita <u>damnata</u>*, §102; full details in Lebreton 265–7. For the order *quod ... id*, cf. §13n. *cuius ... de eius.*

48 occurrit illud "we meet with the following objection" (cf. *OLD* s.v. *occurro* 6b "counter [argument, charge, etc.]"). *illud* points forward to the following direct speech, as often with this verb (*TLL* IX.2.397.17–22). **"igitur ne Clodius quidem ... in Ālbānō mānsūrūs":** in C.'s speeches, *igitur* occurs some 515 times in second position and only 5 times in first position (in C.'s entire corpus, *igitur* is found 2,304x in second position, 34x first; list of first-position instances in N–W II.975). The reason here may be that C. is putting these words in another speaker's mouth; he similarly ends this quotation with an inelegant series of three spondees. (The placement of *igitur* is not induced by *ne Clodius quidem*, since we find e.g. *Fin.* 4.67 *ne uitia quidem igitur crescere poterunt.*) *ne Clodius quidem* = *nec Clodius* (*OLD* s.v. *ne* 6b "neither"); cf. §85n. *Non est ... ne mediocri quidem ... cura.* **quoniam** (< *quom* [= *cum*] + *iam*) was originally temporal ("as soon as") and gradually became "seeing that ... now," finally settling as a pure causal conjunction ("in view of the fact that"); see H–S 626–8. It tends to present a fact as acknowledged to be true by both speaker and audience, as opposed to *quod/quia*, which present the speaker's own reason (cf. Pinkster 2010 for a slightly different description). **si quidem** "[*sc.* yes, that reasoning would be correct] if it's really the case that" (*OLD* s.v. *siquidem* 2c). C. obviously does not believe this, as he goes on to explain; cf. §28n. *si quidem ... uenturus erat.* **exiturus ... non fuisset** "he hadn't been going to leave." The form is rare but not irregular; C. must talk in the past tense about what Clodius had been intending to do in a hypothetical future. **uideo** "I see (clearly)" or "I perceive." Lat. *uideo* is of wide application (e.g. *OLD* s.v. 14–15; cf. §92n. *si uultum ... si uocem, si orationem stabilem ac non mutatam uidetis*). **illum qui dicatur de Cyri morte nuntiasse:** for the "illogical" subjunctive of *dicatur*, cf. §29n. *quod hunc iam interfectum putarent.* **quem Clodius Roma proficiscens reliquerat morientem:** the present participles lay stress on the contemporaneous events; Clodius had left Cyrus "as he lay

dying." **una fui, testamentum Cyri simul obsignaui cum Clodio** "I was there too, I authenticated Cyrus' will together with Clodius." It is remarkably convenient that C. and Clodius appear at the same place and same time on the same business; C. can thus call upon himself as a witness, as it were, in his own defense. C. (and Clodius) were both witnesses to the will and heirs named in it, a practice still allowed in the late Republic (cf. *Att.* 7.2.3) but later banned (*Dig.* 28.1.20 pr. [Ulpian] *qui testamento heres instituitur, in eodem testamento testis esse non potest*). In C.'s day, a written will was valid if sealed (i.e. *obsigno*, *OLD* s.v. 1a) by seven witnesses. When the will was opened before the praetor, a majority of those witnesses had to be present and verify their seals' authenticity; the praetor would then read the will and assign possession of the goods to the named heirs. On Roman wills, see *OCD* s.v. "inheritance"; more details in Watson 1971: 8–21. H places *una fui* at the end of this clause, but it is more natural for C. to make a brief statement and then expand on it (conforming to the "law of increasing members," on which see H–S 722–6); it seems probable that the deviant word order is an innovation in H rather than evidence that *una fui* is an intrusive gloss. Most editors bracket *Cyri* as a gloss (it is also omitted by T), but it is necessary to clarify the subject of *fecerat/ scripserat* in the following clause. **testamentum autem palam fecerat** "he'd made known the terms of his will to the witnesses." A testator need not have publicized the contents of a written will to its witnesses (for an oral will, by contrast, he necessarily did: cf. *Dig.* 28.1.21 pr. [Ulpian]). Cyrus here has chosen to do so, thus Clodius cannot have been hurrying back to Rome to learn the contents of the will. **illum heredem et me scripserat** "he'd named Clodius an heir and me (too)"; *aliquem heredem scribere* is a technical term (*TLL* VI.3.2651.49–79). C. and Clodius make for strange bedfellows here, but Cyrus presumably named them as heirs out of gratitude because they had employed his services in their own building projects. (More cynically, a *quid pro quo* in return for lucrative public contracts cannot be ruled out.) Romans commonly received legacies from unrelated parties; C. himself acknowledges receiving more than 20 million sesterces from inheritances (*Phil.* 2.40), and we know of at least eleven such legacies (details in Mohler 1932). For the "good men and true" word order, cf. §42n. *omnia ... intuemur.* **quem ... animam efflantem reliquisset** "whom he'd left as he was breathing his last [*OLD* s.v. *efflo* 1b]," i.e. almost but not quite dead. *reliquisset* is subjunctive in a relative clause of characteristic with a slight causal or adversative nuance (*NLS* §§155–6). For *quem* preceding its antecedent, cf. §13n. *cuius ... de eius.* **pridie hora tertia** = 17 January 52 (= our 7 December 53) at about 9:45 am (cf. §29n. *hora fere undecima aut non multo secus*). Clodius had to travel just over 15 miles (24 km) on the Via Appia to reach Aricia (see Map 1), which he could have

done comfortably by horseback before sunset *ca.* 4:42 pm. The address to the local *decuriones* presumably took place the following day (Asc. 31C). **eum mortuum ... ei nuntiabatur:** Latin often prefers the personal to the impersonal passive (e.g. §66 *oppugnata domus C. Caesaris ... nuntiabatur*), but with a dative complement the impersonal construction is the rule: cf. e.g. *Agr.* 2.11 *mihi designato consuli nuntiabatur legem agrariam tribunos plebis designatos conscribere*, further K–S 1.709. **hora decima:** consistent with C.'s earlier placing the ambush *hora fere undecima aut non multo secus* (§29); C. may have fudged the time in §29 to strengthen his argument here.

49 **age, sit ita factum** "fine, let's say that's how it happened." C. will show that even if the messenger was announcing Cyrus' death, Clodius had no reason to hurry back to Rome. For the perfect subjunctive with reference to past time in a concessive clause, cf. §46n. *quaesiuit? quaesierit sane*, K–S I.190. For *age* preceding a concessive clause, cf. e.g. *Luc.* 135 *age, haec probabilia sane sint*; in this use, *age* has been grammaticalized into a particle and the "singular" has no significance (*OLD* s.v. *ago* 24, *TLL* I.1404.63–1405.16). **quae causa fuit cur:** for *causa ... cur*, cf. §21n. *Non fuit ea causa, iudices, profecto non fuit cur.* It is not C.'s practice to omit *esse* with *causa ... cur* (cf. e.g. *Ver.* 1.80 *quae ... fuit causa cur*, 4.10), and so the truncated *quae causa cur* of ET should be rejected. **properaret ... festinationis:** there is probably not much semantic difference between *propero* (67x in C.) and *festino* (22x), and C. is likely just concerned to provide *uariatio.* Some ancient authorities did nevertheless try to draw distinctions: Gel. 16.14.1–2 *"festinare" et "properare" idem significare atque in eandem rem dici uidentur. sed M. Cato id differre existimat eaque hoc modo diuisa ... "aliud est properare, aliud festinare. qui unum quid mature transigit, is properat; qui multa simul incipit neque perficit, is festinat"*; further *TLL* VI.1.615.13–22, X.2.1978.23–35. **in noctem:** tendentious at best; the prosecution claimed that the encounter between Clodius and Milo took place around the ninth hour (cf. §29n. *hora fere undecima aut non multo secus*), and if we follow C. and allow the messenger to have arrived an hour beforehand, there were some four Roman hours (about 185 minutes) of daylight left. On that timeline, even walking his horse Clodius would have arrived in Rome before nightfall. **nihil erat cur properato opus esset** "there was no reason for him to have to hurry." *nihil* [or *non* or *quid*] *est cur* + subjunctive is common (*OLD* s.v. *nihil* 5; instances at K–S II.278). *opus esse* + ablative of past participle (*OLD* s.v. *opus* 12c, A–G §497a), on the other hand, occurs elsewhere in C. only at *Parad.* 6.46 *intellegimus opus esse quaesito* (and twice more with *quaesito* in that same section). The construction seems archaic (H–S 123); further K–S I.764–5. **quid tandem:** cf. §20n. *quis tandem.* **posset, amitteret:** not just subjunctives in

a clause introduced by *quid erat quod* (K–S II.278), but also the apodosis of a past contrafactual condition ("what was there that he could have gained/would have lost"). **Atque ut ... sic:** as in §45 *ut ... sic*, C. makes a contrasting comparison between Clodius and Milo, with parallel grammatical forms in each clause. Clark reads *atqui* ("and yet") with Asconius, but although *atqui* is constantly corrupted into the more common *atque*, sense favors the latter: C. is building on the foregoing sentences, not stating something contrary to them. **cum insidiator esset:** ironically allowed for argument's sake. **si ... sciebat, subsidendum atque exspectandum fuit:** these verbs are all in effect "past tense" and the alternation between imperfect and perfect is not determined by the conditional: for *sciebat*, cf. §45n. *Quid, si ut ille sciuit*; for *subsidendum atque exspectandum fuit*, cf. §18n. *non fuit illud facinus puniendum*. The verb *subsido* ("lie in wait," *OLD* s.v. 2) is often used of ambushers; cf. §51 *subsedit* and e.g. Liv. 1.14.7 *subsidere in insidiis*. **noctu** "by night," an adverbial form built by analogy to the old locative *diu* (Weiss 252; cf. *interdiu*), found some sixteen times in C.'s speeches. With prepositions and modifiers, C. uses *nocte*: cf. e.g. *Pis.* 92 *nocte intempesta ... nauem conscendit*. **[noctu occidisset. nemo ei neganti non credidisset. insidioso et pleno latronum in loco occidisset]:** these words are found in one branch of the tradition (HV[c]) and omitted in the other (ET). *nemo ... non credidisset* is surely misplaced here; all MSS include it more logically after this bracketed phrase (including HV[c], which repeat it; a corrector in H later wrote a version in the margin without the first instance). In this sentence the verb reads most naturally as *occĭdisset* "he would've died," but if genuine it must be *occīdisset* "(Milo) would've killed (Clodius)," because otherwise the following *ei neganti* would be nonsensical. *occīdo* can occur without an object (cf. §57 *occideritne? occidit*), but it seems particularly strained here in a context where the subject too is ambiguous. Furthermore, the details found in *noctu* and *pleno latronum in loco* will be given immediately below in §50 (*ipse ille latronum occultator et receptor locus ... caeca nox*). This accumulation of oddities makes the phrase more likely to be an intrusion into the text in HV[c] rather than an accidental omission in ET. The following *ei neganti* then refers vaguely to the hypothetical ambush, which C. has no interest in describing in further detail.

50 **quem esse omnes saluum etiam confitentem uolunt:** tendentious in the extreme, as shown by the trial's outcome. **sustinuisset crimen ... ipse ille latronum occultator et receptor locus** "the place itself, a notorious den of thieves, would've borne the blame for the crime," i.e., everyone would have assumed that Clodius had fallen victim to a robber in the bandit-infested region, not to Milo. For the dangers of this stretch

of the Via Appia, cf. *Att.* 7.9.1, Asc. 50C. For *sustineo* "bear the weight of, shoulder (a responsibility or task)," see *OLD* s.v. 5. With *latronum … receptor*, cf. *Ver.* 4.17 *praedarum ac furtorum receptrix* [sc. *urbs Messana*]. The whole phrase *occultator et receptor* may have a whiff of legal language; *occultator* is next found in the Codex Theodosianus of AD 438, and *receptor* occurs in e.g. the *Digest* (Ulpian). For words in *-tor/-trix* used adjectivally, see K–S 1.232, Nägelsbach 1905: 225–6; they are rare in C., but cf. e.g. *Q. fr.* 1.1.19 *in … tam corruptrice prouincia.* **primum … cum … deinde:** *cum* is Ernesti's emendation of the transmitted *tum*, restoring the appropriate balanced arrangement. The progression *primum … tum … deinde* would be very unusual (though found at *Red. Pop.* 16, *Sest.* 141); regular is *primum … deinde … tum* (*TLL* v.1.410.48–51). **cum neque muta solitudo indicasset neque caeca nox ostendisset Milonem:** an abandoned spot in the dead of night would tell no incriminating tales. *muta solitudo* only here (and much later Arnob. *Nat.* 2.25); cf. perhaps *Planc.* 81 *locus ipse ille mutus.* For *caeca nox* "dark night," see *OLD* s.v. *caecus* 5. **multi ab illo uiolati, spoliati, bonis expulsi:** C. happily implies that Clodius had made many enemies with motives to murder; he gives some further details at e.g. §§74–5, 87. **in suspicionem caderent** "would fall under suspicion"; for the phrase, cf. §72 *in suspicionem incidit regni appetendi.* The imperfect here and in the following *citaretur* expresses a contrafactual referring to C.'s present time: if Milo had killed Clodius under such circumstances, instead of Milo being on trial right now, many people would fall under suspicion etc. **tota denique rea citārētŭr Ētrūrĭā** "in short, the whole of Etruria would be arraigned." For Clodian depredations in Etruria, which C. claims created countless enemies, see §26n. *quibus siluas publicas depopulatus erat Etruriamque uexarat.* The placement of *denique* focuses *tota* ("quantifiers" are often so focused: Powell 2010: 175); the order *citaretur Etruria* creates a double-cretic clausula and draws further attention to *Etruria.* The phrase *reum citare* is standard for summoning an accused person to court (*OLD* s.v. *cito* 4a, *TLL* III.1200.49–54).

51 illo die certe Aricia rediens: this is the first time C. mentions Clodius' visiting Aricia, the first important town on the Via Appia outside Rome (see Map 1). Up to this point, C. had only said that Clodius had left Rome to ambush Milo (cf. §§27, 45). The prosecution doubtless maintained that Clodius had entirely legitimate reasons to leave Rome, viz. to address the *decuriones* of Aricia (Asc. 31C). C. was apparently so keen to come up with a response to this argument that he was willing to drop for a few sentences the idea that Clodius had no reason to leave Rome except to ambush Milo. One alternative explanation, that C. has accidentally confused two

separate stories of Clodius' movements (Davies 1969: 346), seems exceptionally improbable in the carefully revised version of the speech. Another possibility is that after three days of witness testimony and the prosecution's speech, Clodius' visit to Aricia was well established and could not be ignored (Wellesley 1971: 27–8), but C. ignores it impressively well in the rest of the speech. **deuertit Clodius ad se in Albanum** "Clodius turned off the road for lodging (*OLD* s.v. *deuerto* 3) at his Alban estate." The estate was just a couple of miles from Aricia (see Map 1). ET read simply *ad Albanum*, but H's *ad se in Albanum* is highly idiomatic (cf. *Att.* 7.8.2 *animaduerteram posse … te non incommode ad me in Albanum uenire III Non. Ian.*, 2.13.1, 4.9.1, 8.11d.1, 15.27.1, 16.10.1, *Fam.* 2.19.2, 11.27.3, 13.16.2, *De orat.* 2.13, *Rep.* 3.30b Powell, *Tusc.* 110, *Fin.* 1.14). **quod ut sciret Milo illum Ariciae fuisse** "but even granted that Milo knew Clodius had been at Aricia." *ut* is concessive, and *quod* refers vaguely to the foregoing sentence; the following *illum Ariciae fuisse* is then epexegetic, specifying precisely what Milo is supposed to have known (K–S II.320). (*quod ut* could also be a fossilized form like *quod si* [cf. §9n. *quod si*], as H–S 571 explain it, but concessive *quod ut* occurs so rarely in surviving texts that it is hard to credit a fixed phrase: cf. K–S II.322.) **suspicari tamen debuit:** if Milo had known Clodius was returning to Rome, he would have guessed that Clodius would stop in at his estate. Thus he would have set his ambush either before Clodius got to his estate or after he had left it: to ambush Clodius by design in front of his own villa would be patently absurd. *tamen* is oddly placed at best: there is no contrast between *sciret* and *suspicari*; one would have expected the word to follow the *etiam si* clause ("even if he wanted to return to Rome that day, nevertheless he would stop in …"). **reuerti:** in C., deponent with the present stem, active with the perfect (cf. §61 *reuertisse*). **quae uiam tangeret** "which was next to the road"; cf. *OLD* s.v. *tango* 2 "be immediately next to, border on." *tangeret* is subjunctive in a subordinate clause in indirect speech. **quo … uenturus esset** "where he would be likely to come," a potential subjunctive (*NLS* §121).

Recapitulatio (§52)

C. collects and summarizes the preceding arguments. Such a summary collection, or *frequentatio*, was regarded as almost necessary in a conjectural case (*Rhet. Her.* 4.53; cf. Quint. *Inst.* 6.1.1, Lausberg §§434–5 [on *recapitulatio*]): in such a case the individual arguments taken singly are susceptible of refutation, but together they are much stronger. This is

moreover an opportunity for C. to compare explicitly the means and motives of Milo and Clodius (*collatio*).

52 **Video adhuc constare, iudices, omnia:** highly tendentious again. Even if *constare* notionally means "to be consistent" (*OLD* s.v. 10) rather than "be apparent" or "be certain" (*OLD* s.v. 9), in C.'s sentence these two meanings must have been deliberately blurred together. Regardless, the prosecution would presumably beg to differ. *adhuc* means "up to the present point in the argument" (*OLD* s.v. 1d); the phrase *uideo adhuc* will be contrasted with *uideamus nunc* in the transition to the next argument. C.'s address to the *iudices* marks a momentary move from making new arguments to summarizing the foregoing ones. **Miloni etiam utile fuisse Clodium uiuere, illi ... optatissimum interitum Milonis:** cf. §§32–4. *etiam* "actually" (*OLD* s.v. 4) acknowledges the slightly paradoxical nature of this claim. **odium ... in illum:** cf. §35. **consuetudinem ... repellenda:** cf. §§36–43. For *in ui inferenda*, cf. §9n. *cum ui uis illata defenditur.* **mortem ab illo Miloni denuntiatam et praedicatam palam:** cf. §§27, 44. *praedicatam* means "announced publicly" (*OLD* s.v. *praedico*[1]) and should not be emended to *praedictam* ("told of in advance," *OLD* s.v. *praedico*[2]), since *praedicatam* gives perfectly good sense and corruption from *praedictam* to *praedicatam* is unlikely. For *praedĭco palam*, cf. *Ver.* 3.40, *Att.* 9.9.2. **nihil umquam auditum ex Milone:** simply untrue – cf. *Att.* 4.3.5 (quoted in §44n. *et audistis uiuo Clodio*), Asc. 30C – but rhetorically useful. **profectionis huius diem illi notum, reditūs illius huic ignotum fuisse:** cf. §§45–6. H, followed by Clark, reads *reditum*, but this seems more likely to be the error of a scribe who failed to recognize in the absence of a repeated *diem* that *reditus* was genitive singular and parallel to *profectionis.* **huius iter necessarium, illius ... alienum:** cf. §§27, 45. **hunc prae se tulisse se illo die [Romam] exiturum, illum eo die se dissimulasse rediturum:** cf. §§45–6. *prae se fero* means "make no secret of, parade (a fact)" (cf. §43n. *scelus et facinus prae se ferens et confitens*). ET omit *se* after *tulisse*, but this is simple haplography; the word is included in the corresponding *illum ... se dissimulasse rediturum* (cf. §65n. *seruos Milonis ... confessos se*). *Romam* is obviously wrong; humanists corrected it to *Roma*, but the balance of the phrase (*exiturum ... rediturum*) is better without the word, which looks like a badly incorporated gloss. **hunc ... illum causam mutandi consili finxisse:** cf. §§48–9. *fingo* = "make up, invent, fabricate" (*OLD* s.v. 9). **huic ... noctem prope urbem exspectandam, illi ... accessum ad urbem nocturnum fuisse metuendum:** cf. §§49–51. *insidiaretur* and *timeret* are subjunctives in subordinate clauses in indirect discourse.

Locus and other *signa* (§§53–6)

C. turns now to the place where the skirmish took place, namely in front of Clodius' estate. This is a key argument for the defense: Clodius is much more likely to have set an ambush there than Milo. Place (*locus*) is one of the six *signa* to be used in arguing a conjectural case; the others include time, occasion, hope of success, and hope of getting away with the crime (*signum ... diuiditur in partes sex: locum, tempus* ["point in time"], *spatium* ["duration of time"], *occasionem, spem perficiendi, spem celandi, Rhet. Her.* 2.6). C. moves seamlessly into discussing other *signa* as well. He does so by repeating key claims from the *narratio* about Clodius' readiness to fight and Milo's unpreparedness; this discussion gives the impression that C. is expanding or deepening what he has said earlier, but in fact he simply repeats his assertions as if they have already been proven. While avoiding first-person verbs entirely and so seeming to let "the facts speak for themselves" (§53 *res loquitur ipsa*), C. as always presents a tendentious version of events calculated at every turn to blacken Clodius' character. He ends by mentioning Milo's slaves, which creates a seemingly natural transition to his next topic, their manumission.

53 Videamus nunc: a smooth segue from §52 *uideo adhuc.* **id quod caput est:** the "fundamental argument, main point" (*OLD* s.v. *caput* 15b; cf. §43n. *quid? quod caput est audaciae, iudices?*) is the place where the fight took place: was it better suited to Clodius or Milo? Cf. e.g. Quint. *Inst.* 5.10.37 *ducuntur argumenta et ex loco. spectatur enim ad fidem probationis ... frequens an desertus, propinquus an remotus, opportunus consiliis an aduersus: quam partem uidemus uehementissime pro Milone tractasse Ciceronem.* **locus ad insidias ille ipse ubi congressi sunt:** juxtaposed with *id quod caput est* and fronted in its own clause, *locus ad insidias* is further developed with a series of words each of which adds emphasis and specificity. The word *locus* is repeated five times in this paragraph, making its importance crystal clear. *congredior* means not just "meet," but rather "join battle" (*OLD* s.v. 2), as shown by *ubi* ("the place where they came to grips with one another"; otherwise e.g. <u>*quo*</u> *conuenerunt*, "the place where they met"). **utri tandem:** cf. §20n. *quis tandem.* **id uero ... etiam dubitandum et diutius cogitandum est?** "But is that still a matter for doubt or further thought?" *id* refers to the preceding indirect question; *uero* is contrastive (*OLD* s.v. 7b). *etiam* here is temporal and parallel with *diutius* (i.e., it does not mean "also"); cf. e.g. *Leg.* 3.33 *an etiam id dubium est?* (*TLL* v.2.928.28–32). The parallel and assonant doublet shows a typical increase in syllables in the second member (see H–S 722–6). **ante fundum Clodi quo in**

fundo: cf. §29n. *ante fundum eius.* The identification as Clodius' Alban villa of some still extant ruins around the thirteenth milestone of the Via Appia has recently been called into question (cf. §46n. *P. Clodium illo die in Albano mansurum fuisse*), but Clodius' property must have been in that general area (see Map 1). The repetition of the antecedent within the prepositional phrase (*fundum quo in fundo*), initially a feature of archaic Latin, is generally used for clarity, being found in both colloquial and legal contexts. Here the repetition allows C. to linger emphatically on the *fundus*, i.e., the location of the fight (cf. the repetition of *locus*). While such repetitions are relatively common in Caesar (8x in *Gal.* 1, although only 11x in the rest of *Gal.*), they are rarer in C., found most often in *Inv.* and his earlier speeches (e.g. *Ver.* 5.28 *scitote oppidum esse in Sicilia nullum ex iis oppidis in quibus consistere praetores et conuentum agere soleant, quo in oppido* etc.). Furthermore, these repetitions are most common with certain antecedents, especially *dies, lex, locus,* and *bellum.* For full details of C.'s evolving usage, see Parzinger 1912: 7–10; in Latin more generally, H–S 563–4. **propter insanas illas substructiones** "on account of those extravagant excavations for a basement"; cf. §85 *substructionum insanis molibus,* where Clodius' construction plans result in the destruction of certain sacred altars. It seems that Clodius was building some sort of lower level and so needed supports to hold up the rest of the house; apparently this project was well known (*illas*). Clodius' villa was doubtless built on the slope of one of the Alban hills (cf. *edito ... atque excelso loco* in the next clause), making such a project more plausible (cf. Sal. *Cat.* 13.1 *subuorsos montes*). *substructiones* are a notable feature of Roman architecture on hilly terrain; cf. e.g. the Tabularium on the Capitoline overlooking the Forum (*Q. Lutatius Q. f. Q.* [*n.*] *Catulus cos. substructionem et tabularium de s. s. faciundum coerauit* [*ei*]*demque pro*[*bauit*], "Q. Lutatius ... by vote of the senate let the contract for the building of the *substructio* and *tabularium* and approved it": *CIL* 1^2.737 = *CIL* VI.1314 = *ILS* 35). Inveighing against the "mad" construction practices of the very rich was a commonplace of Roman moralists, especially with regard to villas built on supports over the sea: cf. Hor. *Carm.* 2.18.21 with Nisbet and Hubbard, 3.1.33–4 with Nisbet and Rudd, and Tib. 2.3.45–6 with Flower Smith. (Clodius spent a fortune on his properties: Plin. *Nat.* 36.103 records that he bought his house, presumably the one on the Palatine, for 14,800,000 sesterces.) *insanus* can be used of things to mean "exceeding reasonable limits" (*OLD* s.v. 3), but the word is clearly chosen to point up Clodius' own insanity as well (cf. Quint. *Inst.* 8.6.41). **facile hominum mille uersabatur ualentium:** i.e., men involved in the construction project (*uersor* = "be active in, spend one's time in," *OLD* s.v. *uerso* 10). *ualentium* tacked on to the end is an artfully alliterative "afterthought," "and strong men at that." *facile* "easily"

can be applied, as in English, to numbers (*OLD* s.v. 1d); cf. e.g. *Att.* 1.14.5 *ex altera parte facile* CCCC *fuerunt*. The school rule that *mille* is an indeclinable adjective placed in apposition to a noun (*homines mille*), *milia* a declinable noun used with a partitive genitive (*hominum milia*), is oversimplified but generally true, and exceptions in C. are rare (N–W II.302). HET and the grammarian Pompeius (*GL* V 186) transmit the plural *uersabantur*, but Gellius (1.16.15, followed by Macr. 1.5.5) vouches for the singular found in C, claiming that the plural is found *in libris minus accuratis*; this text follows Gellius, though with no great confidence. The singular is certainly possible (K–S I.26–7, H–S 437–8), but it seems to be an archaism and is mostly confined to genitives like *nummum* (*Phil.* 6.15) and *passuum* (*Att.* 4.16.8). If Gellius is correct, then perhaps the plural should be emended to the singular in the only true parallel to our passage: *Rep.* 6.7 Powell (= Nonius 501 M) *ut ... in forum mille hominum ... descenderent*. **edito aduersari atque excelso loco:** military language repeating the *narratio* (cf. §29n. *de loco superiore* and e.g. Caes. *Gal.* 7.18.3 *copias omnes in loco edito atque aperto instruxerunt*). The doublet *editus* + *excelsus* appears elsewhere only at *Ver.* 4.107 *loco perexcelso atque edito*; here, by slowing down the sentence, it helps set up the sarcasm of the following *superiorem*. **superiorem se fore putarat Milo:** after describing how Clodius held the high ground, C. sarcastically puns on *superior* "higher in position" (*OLD* s.v. 1) and *superior* "having the upper hand in a battle" (*OLD* s.v. 6c). **an in eo loco est potius exspectatus:** before this clause there was no indication that C. was asking a question; indeed a question would weaken his cutting irony. It thus seems best to punctuate with a dash before this unexpected continuation. **ipsius loci spe:** the *locus* gives Clodius *spes perficiendi*, i.e., one of the key points of argument in a conjectural case. **facere ĭmpĕtūm cōgĭtārāt:** cf. §29n. *statim ... impetum aduersi*. The verb *cogito* can regularly mean "intend, plan" and take an infinitive (*OLD* s.v. 6), while its syncopation secures a cretic-ditrochaic clausula. **res loquitur ipsa:** C. claims that the facts speak for themselves, i.e., he implies that he is not making an argument but stating an objective fact. This is consistent with his argumentative pose throughout this section of the speech, where no first-person verbs are found. The phrase is proverbial; cf. §66 *ut ... res ipsa loqueretur*, Otto 1522.1, *TLL* VII.2.1673.25–9. **quae sempēr ŭălēt plūrĭmūm:** the word order emphasizes *plurimum* and creates a double cretic clausula.

54 **Si haec non gesta audiretis, sed picta uideretis:** as in the *narratio*, C. tries to paint a vivid verbal picture, continuing to imply that he is not telling a potentially partial story but rather that the jurors are seeing objective facts; the rhyme and parallelism point the contrast. Cf. §6n. *nisi*

oculis uideritis insidias ... factas and Quint. *Inst.* 9.2.40 *"sub oculos subiectio" tum fieri solet cum res non gesta indicatur, sed ut sit gesta ostenditur, nec uniuersa, sed per partes ... proposita quaedam forma rerum ita expressa uerbis, ut cerni potius uideantur quam audiri* (cf. Hor. *Ars* 180–2 with Brink; further Landgraf ad *S. Rosc.* 98). **uter nihil cōgĭtārēt mălī:** HV^c read *nihīl mălī cōgĭtārēt*; rhythmically there is little to choose from between the two (double cretic vs. cretic ditrochee), but *nihil cogitaret mali* is more likely to have been changed to *nihil mali cogitaret* than vice versa, and the mild hyperbaton would fit the findings of Powell 2010: 175, where an initial "quantifier" is often so emphasized and the second element comes last in its clause. **cum alter ueheretur in raeda paenulatus, una sederet uxor:** cf. §28 *cum hic ... cum uxore ueheretur in raeda, paenulatus* with notes. C.'s repetition of the *narratio* here suggests some deepening, but in fact it is simply repetitive, as are the following three sentences, which make precisely the same point in nearly the same words (cf. the fault censured at *Rhet. Her.* 2.34). It does, however, drive home the point: Milo is not likely to have set an ambush for Clodius. **impeditissimum** "constituting an enormous encumbrance." While *impeditus* normally means "encumbered," the active sense is not as rare as implied by the *OLD* (s.v. 2b); cf. *TLL* VII.1.535.63–84. **paenula irretitus, raeda impeditus:** the parallel construction and rhyme help bind together these members of a rising tricolon. The *paenula* was a relatively tight-fitting traveling cloak; cf. Tac. *Dial.* 39.1 *paenulas istas quibus adstricti et uelut inclusi* etc. (for full details, see Mayor ad Juv. 5.79). **uxore paene constrictus:** not *ab uxore*, which might imply that Fausta actually tied him up; the bare ablative means that Milo was hindered "on account of his wife." (Contra K–S I.380, this is not the instrumental usage seen in §26 *seruos quibus siluas publicas depopulatus erat* and §47 *iacent suis testibus.*) *paene* softens the image (*OLD* s.v. 2). **uidete nunc illum primum egredientem e uilla** "now look at Clodius as he's coming out of his house." C. has notionally gotten carried away in his description of Milo's encumbrances, and so he abandons the expected *alter ... alter* construction in favor of something more forceful. He continues his visual metaphors with *uidete* and vividly puts the scene before his listeners' eyes with the participle *egredientem.* **subito ... uesperi ... tarde** "unexpectedly ... in the evening ... slowly," a tricolon of adverbs and interjected rhetorical questions, with each of the adverbs modifying *egredientem. uesperi* is a fossilized locative from *uesper* (*OLD* s.v. 1b); as the speech continues, C. tendentiously implies that Clodius left ever later. (HV^c read *uespere*, a form modeled on *mane* that is sometimes found in C.: Weiss 214, N–W II.649–50.) *tarde* must mean "slowly," not "late," which would make no sense with what precedes or follows. **qui conuenit, praesertim id temporis?** "how [*OLD* s.v. *qui*² 1] does that make any sense, especially at that

hour?" Cf. §28n. *id temporis*. **deuertit in uillam Pompei** "he stopped in at Pompey's villa." Editors print this phrase in quotation marks, but the prosecution had not offered this as a reason for Clodius' departure; they claimed that Clodius decided to leave for Rome when he heard about Cyrus' death (§46). It seems unlikely that C. could have gotten away with such a blatant misrepresentation of the prosecution's argument, which the jurors had just finished hearing at length (although C. is admittedly capable of great feats of misrepresentation). Perhaps the phrase is instead a nod to some bit of witness testimony which has left no other trace in the record. C. would then be twisting this testimony into evidence that Clodius was loitering in the area without any good reason – except to set an ambush for Milo. He may even be distorting the timeline, implying that Clodius visited Pompey after stopping at his own villa, whereas it seems more likely that he stopped at Pompey's villa on the way to his, as Pompey's villa was probably further out along the Appian Way (Wellesley 1971: 28–9, although the topography is admittedly uncertain: cf. §46n. *P. Clodium illo die in Albano mansurum fuisse*). **Pompeium ut uideret?** "Was it Pompey he wanted to see?" Fronting *Pompeium* points up C.'s feigned incredulity. Pompey's Alban villa was close to Clodius'; for its possible site, see Lugli 1915: 281–95 (the topography remains speculative). **sciebat in Alsiensi esse** "he knew that Pompey was at his villa in Alsium." Alsium (mod. Ladispoli) was a coastal town in southern Etruria, some 22 miles (35 km) west-northwest of Rome along the Via Aurelia. It was a popular resort spot for the Roman elite; Julius Caesar also had a villa there (*Fam.* 9.6.1, *Att.* 13.50.4). A word for "estate" vel sim. is often omitted with adjectives of place or genitives after a preposition (K–S 1.232, H–S 823; cf. §46 *in Albano*, §91 *ad Castoris*). For the tense of *sciebat*, see §45n. *Quid, si ut ille sciuit.* **uillam ut perspiceret?** "To have a good look at his villa?" In *perspicio* ("inspect thoroughly") there is perhaps an element of admiring connoisseurship, as at *Ver.* 4.98 *tu uidelicet solus uasis Corinthiis delectaris, tu illius aeris temperationem, tu operum liniamenta sollertissime perspicis* (cf. *Ver.* 4.65, Ov. *Met.* 2.111–12). **quid ergo erat?** used in *ratiocinatio*; cf. §15n. *quid ergo tulit?* **morae et tergiuersationes** "delaying tactics [*OLD* s.v. *mora* 5] and deliberate dawdling." In §49 Clodius had been described as hurrying to Rome, presumably echoing the prosecution's words, and so C. continues here in his imaginative fiction. The text is Baiter's emendation; ET read *morae et tergiuersationis*, where *morae* has been misconstrued as a genitive dependent on *quid* and so caused *tergiuersationes* to be altered to the genitive as well. H's *mora et tergiuersatio*, in itself not unattractive, is more likely an attempt to heal the construction. The plural of *mora* is found from C. onwards (*TLL* VIII.1466.72); that of *tergiuersatio* just once (Fron. *Aq.* 5), but the word itself seems to occur only seven times

in extant classical Latin (once elsewhere in C.: *Att.* 10.7.1). **dum hic ueniret, locum relinquere noluit** "he refused to leave the area until my client arrived," a strong conclusion in which C. yet again emphasizes the *locus*. For *noluit* "he refused" (vs. *nolebat* "he didn't want"), cf. §36n. *pro me obici nolui.* For *hic* = "my client," see §12n. *huius ambusti tribuni plebis.* The subjunctive *ueniret* makes clear Clodius' deliberate intent; i.e., it acts like a purpose clause (*NLS* §224).

55 **age nunc ... comparate:** the usual comparison between Clodius and Milo; cf. §43n. *in utro igitur haec fuit?* The imperative *age* has been grammaticalized into a particle and is not really "singular"; cf. §49n. *age, sit ita factum.* **expediti latronis cum Milonis impedimentis:** elegant chiastic arrangement with etymological wordplay (*expediti* ~ *impedimentis*; cf. §54 *impeditissimum* and *impeditus*) and internal rhyme (*latronis* ~ *Milonis*). For *latro*, cf. §17n. *non qua populus uteretur, sed ubi impune sui posteri latrocinarentur.* **semper ille antea cum uxore ... tum nugarum in comitatu nihil:** another repetition of the *narratio* (§28), here presented in a rising tricolon, each of whose parts is introduced with slight *uariatio* (*semper* ~ *numquam nisi* ~ *quocumque ibat*). C. is the first Latin author to prefer *antea* to adverbial *ante* (*TLL* II.137.73–81). **comites Graeculi:** a depreciating diminutive, found sixteen times in C. (e.g. *Flac.* 23, *Sest.* 110, 126). In the popular imagination Greeks were held to be effete and effeminate and insincere, among other things (cf. e.g. Juv. 3.75–8), and C. had no hesitation about appealing to such stereotypes when it served his purposes (cf. e.g. *Phil.* 2.94 *unum ex Graecis comitibus suis*; further Vasaly 1993: 198–205, Swain 2002: 136–8). His real attitudes were doubtless complex; he himself was accused of being too much a philhellene (e.g. Plut. *Cic.* 5.2 Γραικὸς καὶ σχολαστικὸς ἀκούων, Dio 47.18.1 ὦ Κικέρων ... ἢ Γραίκουλε; for C. trying to have his cake and eat it too, cf. e.g. *Flac.* 9). Elite Romans, including C. himself, often lived or traveled with Greek intellectuals (Rawson 1985: 81–2, 111–12), and so Clodius' association was probably nothing unusual, but C. is happy to try to blacken his character while pointing up his supposed preparations for the fight. **etiam cum in castra Etrusca properabat:** for Clodius' depredations in Etruria, cf. §26n. *quibus siluas publicas depopulatus erat Etruriamque uexarat.* On Asconius' mistaken claim that C. is associating Clodius with the Catilinarian conspiracy here (50C), see §37n. *sica illa quam a Catilina acceperat.* **nugarum in comitatu nihil:** more harsh words for Clodius' usual Greek companions. For *nugae* "trash" (*OLD* s.v. 2) applied to people, a rare usage, cf. *Att.* 6.3.5 *amicos habet meras nugas*, *Q. fr.* 1.2.4. **qui numquam:** for the colloquial ellipsis of a verb, cf. §28n. *sine uxore, quod numquam fere.* **tum casu pueros symphoniacos [uxoris] ducebat et ancillarum greges:** Milo is accompanied by "choir

boys": what could be more innocent? The *pueri* were probably slaves (*OLD* s.v. 5; cf. §28n. *cum uxore ... in raeda, Div. Caec.* 55 *symphoniacos seruos, Pis.* 83 *seruis symphoniacis*), and in fact they were likely to have been instrumentalists rather than singers (Scoditti 2010: 164–5 with evidence for both meanings of *symphoniacus*). Perhaps they were present simply to entertain Fausta during the journey, as *uxoris* would imply, but it seems more likely that they would perform at the religious ceremony in Lanuvium; we know of an imperial *collegium symphoniacorum qui sacris publicis praestu* [orthography *sic*] *sunt* (*CIL* VI.2193 = *ILS* 4966), and Roman sacrifices were carried out to the accompaniment of music (at least *tibiae* ["reed-pipes"], and sometimes also lyres and trumpets: for the role of musicians at sacrifices, see Baudot 1973: 36–46, Vincent 2016: 141–71 with full iconographic and inscriptional evidence). In the corresponding passage in §28 there is no mention of these slaves as belonging to Fausta, and it seems improbable that C. should class her with the likes of Petronius' Trimalchio in requiring this level of decadence (Petr. 28.5): an explanatory interpolation seems more likely, perhaps originally a note on *ancillarum.* (There is no reason to transpose *uxoris* to go with *ancillarum*: the *ancillae* obviously belong to Fausta, and a genitive of possession would be otiose.) For the vivid image of being encumbered by flocks of slave women, cf. Ter. *Hau.* 245 *impeditae sunt: ancillarum gregem ducunt secum.* **qui semper secum scorta, semper exoletos, semper lupas duceret:** a tricolon of sexual invective introduced by anaphoric *semper*, itself varying the *uariatio* of the foregoing tricolon (*semper, numquam nisi, quocumque ibat*). *scortum* is one of Latin's two primary words for "prostitute"; while not itself an obscenity, it is strongly pejorative ("whore"), generally used to describe prostitutes "pursued by men with no interest in the object of their attention" (unlike *meretrix*, which can be used either neutrally or of an individual with whom a man is in love: Adams 1983: 321–7, quote from 325). It is used of both male and female prostitutes. An *exoletus*, on the other hand, is necessarily male, an object of sexual interest who is past his youth (i.e. no longer *ad<u>olescens</u>*). *exoleti* may not always have been paid for their services (contra *OLD* s.v. and Williams 2010: 90–3; cf. *TLL* V.2.1543.2–5, Butrica 2002: 510–12), but whether as prostitutes or slaves, they were made to serve the sexual desires of their patrons or masters. A *lupa* is one of Latin's harshest terms of abuse for a (female) "cheap whore," belonging to a low register of the language and found only here in C. as "the climax in a series of words indicating increasingly squalid purveyors of sex" (Adams 1983: 334). *duceret* is either subjunctive in a relative clause of characteristic (*NLS* §§155–9) or perhaps concessive (*NLS* §230.5). **neminem nisi ut uirum a uiro lectum esse diceres:** loosely, "no one except men who you would have said were hand-picked by a fellow man," i.e., a crack band

of fighters (in translationese: "[Clodius was leading] no one except that you would have said that he was a man who had been picked by a man"). The phrase refers to a method of recruiting an army attested primarily for Italic peoples: ten men picked another ten men, who picked another ten men, and so forth (cf. Liv. 10.38.12 with Oakley), the idea evidently being that the men will pick good comrades to fight alongside. For *neminem nisi ut* cf. §81 *nihil petit nisi ut ignoscatur* (*OLD* s.v. *nisi* 6c). **Cur igitur uictus est?** C. deliberately interrupts his narrative to propose and refute this trivial objection; his real object is doubtless to heap further scorn on Clodius. **quamquam paratus in imparatos Clodius, tamen mulier inciderat in uiros:** C. often disparages Clodius' masculinity (cf. §89 *homo effeminatus*); such insults are a standard feature of Latin invective which C. applies to a number of his enemies (cf. e.g. *Phil.* 3.12 of Mark Antony; further Opelt 1965: 155–6, Corbeill 1996: 128–73 [163 on the present passage]). In Clodius' case the invective topos evokes particular memories of the Bona Dea scandal (where Clodius had been a man among women); cf. *Dom.* 139 (of Clodius) *contra fas inter uiros saepe mulier et inter mulieres uir.* In such contrasts with *uir,* and in neutral or negative contexts more generally, *mulier* (not *femina*) is the preferred word for woman in Republican prose and comedy: Adams 1972: 242. In the *quamquam* clause *inciderat* is understood ἀπὸ κοινοῦ; in C. a verb is only omitted in a clause with *quamquam* if it can be supplied from the main clause: K–S II.442; cf. Madvig ad *Fin.* 5.68. Contra Clark, the *ipse Clodius* of H (i.e. *in imparatos Clodius, <u>ipse Clodius</u> tamen*) is clearly a gloss on *mulier*; the first *Clodius* of all the MSS could be a gloss too (no mention of a proper name in the introductory *cur uictus est?*), but it has point in re-establishing the subject after the generic *uiator* and *latro* of the preceding clause.

56 nec uero sic ... non paratus ... ut non satis fere ... paratus: in a pointed *sententia* C. "corrects" the *imparatos* of the preceding sentence: Milo was always ready for an attack from Clodius. **[ille]:** *ille* in this speech refers to Clodius (cf. §102n. *ille seruasset* for an easily understandable exception). Deleting the word as a misincorporated gloss is the most natural remedy, thus making this phrase a continuation of the previous one (*nec ... umquam non* ~ *semper*). Clark's *ipse* would be needlessly emphatic. **quantum <u>inter</u>esset P. Clodi se <u>inter</u>ire:** for the argument, see §32–3, for the construction of *interesse*, §34 *quid Milonis <u>inter</u>erat <u>inter</u>fici Clodium?* with note. Here as there the prefix *inter-* is repeated, perhaps a deliberate play on words (making *interire* of HV^c seem preferable to *perire* in ET). **quanto illi odio esset** "how much he was hated by Clodius." The defective verb *odi, odisse* has no passive voice, which is supplied by a double dative *odio esse alicui*; in exceptionally stilted translationese, "to

be to someone for an object of hatred." **quam maximis praemiis propositis paene addictam sciebat:** perhaps "(his life) which, because of the great rewards in view (for his death), he knew he could hardly call his own." *propositis* is Reid's emendation for *propositam et* of the MSS. The latter is strained to the breaking point: while both *propono* ("put up for sale," *OLD* s.v. 1b) and *addico* ("knock down," i.e., "assign an item to the highest bidder," *OLD* s.v. 2) can be terms from auctioneering, *maximis praemiis* cannot be an ablative of price or a dative (i.e., Clodius stands to benefit, not to pay). The phrase would thus need to be a causal ablative, but such a construction seems dubious at best, and all but impossible when immediately followed by *propositam et paene addictam.* The ablative absolute clarifies the causal construction; *addictam* then means "handed over to" (as of a praetor handing over a debtor into bondage; see Kaster ad *Sest.* 38). **sine praesidio et sine custodia:** an ameliorating way of referring to Milo's bodyguard of gladiators and other toughs (cf. Asc. 32C). For the repeated preposition, cf. §10n. *si in uim et in tela.* **adde ... adde ... adde** "consider moreover ... ," a rising tricolon. *adde* is another grammaticalized particle meaning little more than "moreover"; it is commonly used in the singular even when addressing plural audiences (*OLD* s.v. *addo* 12b; cf. §55n. *age nunc ... comparate*). **Martemque communem** "the war god who plays no favorites," proverbial (*OLD* s.v. *Mars* 6b, Otto 1063; already Hom. *Il.* 18.309 ξυνὸς Ἐνυάλιος, καί τε κτανέοντα κατέκτα) and indeed a commonplace (*De orat.* 3.167); cf. e.g. *Fam.* 6.4.1 *omnis belli Mars communis et cum semper incerti exitus proeliorum sunt, Phil.* 10.20 *ut concedam incertos exitus esse belli Martemque communem,* Liv. 7.8.1 with Oakley. **perculit ab abiecto** "has struck down by the hand of his defeated foe"; the perfect is "gnomic": Pinkster 2015: 450 (cf. the Homeric passage quoted above, which C. perhaps evokes). This interpretation of *ab abiecto* follows *TLL* x.1.1196.55–6, and would seem to suit C.'s context, as Milo's forces rally to defeat their attacker who had been so sure of victory. It is hard to parallel, however, and Reid suggests rather "on the side of the defeated." For a related image, cf. Ov. *Am.* 1.9.29–30 *Mars dubius nec certa Venus; uictique resurgunt, | quosque neges umquam posse iacere, cadunt* with McKeown. **inscitiam pransi, poti, oscitantis ducis** "the ignorance of a stuffed and sloshed and sleepy 'general.'" The perfect participles of *prandeo* (lit. "eat lunch") and *poto* ("drink") are used from early Latin onwards in an active sense (*OLD* s.vv. *prandeo* 1b, 2b, *poto* 4b, K–S I.97–8). In this pseudo-military context, there may be a deliberate parody of the proverbial *pransus ac paratus* used of armies ready to fight: cf. Cat. *Orig.* 101 *exercitum suum pransum paratum cohortatum eduxit foras atque instruxit,* Var. *Men.* 175, Liv. 28.14.7. *oscito* is literally "open the mouth, gape," hence "yawn" (*OLD* s.v. 2). Even when plotting murder, Clodius cannot do it right. **cum a tergo hostem**

interclusum reliquisset, nihil de eius extremis comitibus cogitauit: the idea that Clodius had cut Milo off from the rear is present in the jumbled narrative of §29 (*partim recurrere ad raedam ut a tergo Milonem adorirentur*), but there we are told too that another part of this group began killing Milo's slaves bringing up the rear (*partim ... caedere ... seruos qui post erant*), which does not square with the notion that Clodius gave no thought to them. But there is no reason to seek for truth in C.'s made-up version of events. **in quos incensos ira uitamque domini desperantes cum incidisset:** the fronting of the long prepositional phrase before *cum* strongly focuses Milo's virtuous slaves and their righteous anger. Clodius himself is reduced almost to an afterthought: he "stumbled into them" (*OLD* s.v. *incido* 3–4, cf. §10; more likely than "rushed upon," since Clodius is bumbling throughout). The alliteration perhaps adds to C.'s heightened emotion. **haesit in iis poenis** "he stuck fast in those punishments." If a specific image is to be sought, it might be that of an animal who has blundered into a trap and is caught; cf. §40, where Clodius the *belua* is caught in Milo's toils. **quas ab eo serui fideles pro domini uita ēxpĕtīuērūnt:** Milo's slaves are again described as "faithful" (cf. §29 *animo fideli in dominum*), and a verb of "killing" is again replaced by an anodyne alternative (cf. §29 *fecerunt id serui Milonis ... quod suos quisque seruos in tali re facere uoluisset*). This sentence ends C.'s recapitulation of the *narratio* while leading seamlessly into his next topic, Milo's manumission of these faithful slaves. *ēxpĕtīuērūnt* secures a cretic-trochaic clausula (*ēxpĕtīērūnt* would create an unseemly hexameter close).

Locus communis contra quaestiones (§§57–60)

Milo had manumitted twelve slaves the day after the killing, on the grounds that they had saved his life (Asc. 34–5C; cf. 39C, implying at least forty-two further manumissions by the time of the trial). The prosecution claimed that he had done so to avoid their being tortured and confessing the truth about Clodius' death; C. argues that manumission was their just reward and that inquiries conducted under torture are only relevant for questions of fact. Since Milo admits that his slaves killed Clodius, C. says, there can be no dispute over a question of fact; the real question is whether the killing was done *iure an iniuria.* Of course C. has conveniently forgotten that he has been arguing a question of fact almost the entire speech, namely who set an ambush for whom: the slaves clearly could have given testimony relevant to that issue. The whole topic of the value of testimony extracted under torture was a well-worn commonplace (*locus frequentissimus,* Quint. *Inst.* 5.4.1), with the arguments on both sides treated extensively in the handbooks (e.g. *Rhet. Her.* 2.10, *Inv.* 2.46, 50, *Part.* 117–18). C. repeats

the standard arguments against the value of such testimony; elsewhere he is equally happy to argue the other side (cf. *Cael.* 68).

57 **Cur igitur eos manu misit?** a neat transition into a much more challenging topic for C.'s theory of the case (cf. §56 *cur igitur uictus est?*). Slave testimony was only admissible in a Roman trial if given under torture. Free Roman citizens, on the other hand, at least in the Republic, could not be tortured, and although their testimony could be compelled by the prosecution, its honesty could not be guaranteed: see Greenidge 1901: 479–93; cf. Brunt 1980. Usually slaves could not be forced to incriminate their masters or even to testify against their masters' wishes (cf. §59, Greenidge 1901: 394 n. 1, 491–2), but Milo may have feared that the slaves who had killed Clodius could themselves be prosecuted and tortured (and incidentally incriminate him: *Dig.* 48.18.1.19), or more likely he thought it would look better to manumit his slaves "as a reward" than to refuse to offer them up for potentially incriminating testimony at trial, which might look like a confession of guilt (cf. *Cael.* 68). **metuebat scilicet ne ... tormentis cogerentur occisum esse a seruis Milonis in Appia uia P. Clodium confiteri:** a rising tricolon of irony culminating in a parodically specific recital of the facts agreed upon by everyone. For *scilicet,* here as often in C. marking an ironic response to a rhetorical question, see Schrickx 2011: 162. **quid opus est tortore?** "Why is there any need for the torturer?" *opus est* "there is need of" is construed with an ablative (*OLD* s.v. *opus* 12); the phrase *quid opus est?* is common in C. (12x) and probably colloquial, as suits the chatty nature of these short question-and-answer sentences. There is no reason to follow H's *terrore,* as Clark does; *tortore* is not only the right word in context, but is moreover pointed with the following *nihil ad tortorem.* **quid quaeris?** lit. "What are you trying to find out?" and, like the following second-person singular verbs, addressed to one of the prosecutors (Appius: see below). There is however more than a hint of the colloquial *quid quaeris?* "introducing a short, clinching remark" (*OLD* s.v. *quaero* 8c). **occideritne?** "Whether he killed him?" *-ne* introduces the indirect question. C. returns to *status* theory again with this standard bit of language, as with the following *iure an iniuria* (cf. *Rhet. Her.* 1.27, *Inv.* 2.79). With some rhetorical legerdemain, C. thus momentarily shifts the argument from "who set an ambush for whom?" to "was Clodius rightly killed?" **nihil ad tortorem:** sc. *attinet* (or *pertinet*); the ellipsis is again colloquial (and reasonably common in C.: cf. e.g. *Pis.* 68 *rectene an secus, nihil ad nos*). **facti enim in eculeo quaestio est, iuris in iudicio** "a point of fact can be established by the rack, a point of law by the court." The *eculeus* (lit. "little horse," a diminutive of *equus*; on the formation in *-leus,* see Hakamies 1953) was an instrument of torture on which the

victim's limbs were stretched and twisted; comprehensive evidence at *TLL* v.2.730.54–731.4 and discussion in *RE* v.2.1931–2, with a reconstructed image in *BNP* s.v. "torture." **id agamus hic** "let's get on with it here"; cf. C.'s independent use of *ueniamus* (e.g. *Planc.* 36 *sed aliquando ueniamus ad causam*). Finding the subjunctive unexpected – this does not mark a new moment in C.'s argument; he has been making this plea all along – Mommsen cleverly conjectured *indagamus hic* ("that's what we're trying to ascertain here" [*OLD* s.v. *indago*[1] 2b]). The *id*, however, is necessary for balance with the following phrase, and no change is needed. **inueniri:** for the corruption of the passive *inueniri* (HV[c]) into the active *inuenire* (ET), see §92n. *seruari cupimus.* **manu uero cur miserit, si id potius quaeris:** colloquial language, in which *manu* is first fronted, then *manu … miserit* is likewise put first to be picked up by *id.* This strongly focuses C.'s mock disbelief at the idea that the prosecution would question Milo's manumission of his slaves. **parum amplis affēcĕrīt praēmĭīs:** the mild hyperbaton emphasizes *parum amplis* while securing a double cretic clausula; cf. §9n. *gladium nobis … ab ipsis pōrrĭgī lēgĭbŭs,* §80n. *quas res diuinas talibus īnstĭtūtās uĭrīs.* **nescis inimici factum reprehendere** "you don't know how to criticize what your enemy has done." C. contends that Milo did not go far enough in merely manumitting his slaves in reward for saving his life, and pretends that the prosecution should have criticized Milo for his stinginess, a humorous exaggeration that he proceeds to develop at length.

58 dixit … et dixit: Cato, it seems, has made C.'s exact argument already, and C. can draw on his *auctoritas* here. Placing *dixit* first focuses this new confirmatory information, which is further underscored by its repetition (cf. §44n. *et audistis uiuo Clodio*). **hic … M. Cato**: cf. §26n. *hunc M. Catonem.* **idem qui omnia semper constanter et fortiter** "with the same steadfast courage with which he always says everything"; for the common ellipsis of a verb of speaking, see K–S II.552–3, Löfstedt II.244–6 (in this speech, cf. §§92, 95, 99). *constanter* is commonly joined with *fortiter* (e.g. *Prov.* 41, *Tusc.* 5.13, Sen. *Ep.* 98.3). Clark reads with H *qui semper omnia constanter et fortiter,* which has the merit of avoiding an adverbial pile-up, but since C. does not hesitate to write *similiter semper* (*Fin.* 1.76) and *semper feliciter* (*Fin.* 3.26), this seems likely to be another case of H going its own way. **in turbulenta contione:** about this *contio* nothing further is known, although given C.'s description it was obviously convened by one of the tribunes hostile to Milo. This is an instance of "hostile questioning" in a *contio,* where an individual is summoned before an outraged audience by a presiding magistrate to face grilling, on which see Morstein-Marx 2004: 162–72 and the catalogue of instances in Pina Polo 2018: 125–7.

For the description here, cf. §27 *contionem turbulentam*; for *contiones* more generally, §3n. *hesterna etiam contione.* For Cato's ability to cow a turbulent assembly, cf. Plut. *Cat. min.* 44.3–4 and perhaps Verg. *Aen.* 1.148–53, where Vergil's statesman has been identified with Cato (cf. Austin ad loc., Harrison 1988: 55–6). **huius auctoritate:** *huius* is again deictic; for *auctoritas*, cf. §12n. *mediocris in bonis causis auctoritas.* **non libertate solum sed etiam omnibus praemiis dignissimos fuisse qui domini caput defendissent** "that those who had defended their master's life had been eminently deserving not only of their freedom, but of every reward." The perfect infinitive *fuisse* shows that Cato is referring specifically to this event with Milo's slaves; *esse* would be a general statement applicable to all slaves who acted to save their master. (Though the general principle seems valid too: *Dig.* 40.2.9 pr. (Marcianus) *iusta causa manumissionis est, si periculo uitae infamiaeue dominum seruus liberauerit.*) *defendissent* is thus subjunctive in a subordinate clause in indirect discourse rather than a relative clause of characteristic. For the order *non X solum sed etiam Y*, cf. §12n. *senatus non sententiis suis solum sed etiam studiis.* **tam beneuolis, tam bonis, tam fidelibus seruis:** a rising tricolon of praise introduced by anaphoric *tam.* **propter quos** = *per quos*, i.e. "by whose agency" (*OLD* s.v. 5), not "for whose sake." Cf. §81 *quid esset ingratius quam ... lugere eum solum propter quem ceteri laetarentur?* (K–S I.530, H–S 247). **etsi id quidem non tanti est quam quod** "even if that isn't as important as the fact that." *id quidem* refers to *propter quos uiuit*; emphatic *quidem* sets up a contrast, cohering as usual with a pronoun (cf. §16n. *nobilissimus uir ... illis quidem temporibus*). *tanti* is a genitive of indefinite value (A–G §417); the usual correlative is *quanti*, but in negated comparisons (i.e. *non tanti*) replacement of *quanti* by the less pedantic *quam* is frequent (K–S II.458, H–S 592). **non sanguine et uulneribus suis crudelissimi inimici mentem oculōsquĕ sătĭāuīt:** a striking and vivid image. *satio* (lit. "satisfy the hunger or thirst of," < *satis*) is frequently used of metaphorically slaking an adversary's bloodlust or cruelty; cf. e.g. *Dom.* 59 *qui cum eorum omnium crudelitati scelerique cessissem, ne absens quidem luctu meo mentes eorum satiare potui, Q. fr.* 1.3.4 *quorum crudelitas nondum esset nostra calamitate satiata*, Sal. *Rep.* 2.4.2 *importunissima genera hominum tot miserorum ciuium sanguine satiari nequierunt.* Adding *oculosque* avoids a heroic clausula and secures a resolved cretic-trochaic; cf. §23n. *ut aliquando ad causam crimenque ueniamus.* The eyes are often prominent in such images of satiety: cf. e.g. *Phil.* 11.8, Luc. 7.788–803 (further Leigh 1996, esp. 184–5). **quos nisi:** for this typical word order with a connective relative, cf. §2n. *quae si opposita Miloni putarem.* **dedendi fuerunt** "would have had to be handed over." Legally speaking, this probably was not true; cf. §57n. *Cur igitur eos manu misit?* The indicative is standard in an apodosis to a contrary-to-fact condition containing a gerundive

(cf. §31n. *certe optabilius Miloni fuit dare iugulum P. Clodio*); for the perfect tense, also standard with gerundives of obligation, cf. §18n. *non fuit illud facinus puniendum.* **conseruatores ... necis:** a tricolon of praise for Milo's loyal slaves, who are described as anything but "slaves." **hic** = *Milo* (cf. §12n. *huius ambusti tribuni plebis*). **quod minus moleste ferat** "which pains him less." The phrase *moleste fero* ("take ill, be annoyed at," *OLD* s.v. *moleste* b) is used because Milo, as a defendant in a capital trial, should not be seen rejoicing at anything, least of all at the manumission of his slaves. The subjunctive is standard in an adjectival clause after a negative (*nihil habet*), a type of relative clause of characteristic: K–S II.306. **etiam si quid ipsi accidat** "even if anything should happen to him," i.e., if he should be condemned, a standard euphemism (*OLD* s.v. *accido* 6); cf. §99 *si quid mihi acciderit.* For the quasi-reflexive *ipsi*, used because Milo is not the grammatical subject, cf. §32n. *ut iam illum natura ipsius consuetudoque defendat.*

59 Sed quaestiones urgent Milonem "but the interrogations look bad for [*OLD* s.v. *urgeo* 4] Milo." This appears to be C.'s own remark in a transition to a new thought (*OLD* s.v. *sed* 2c, K–S II.75), not the "quoted" words of a fictitious interlocutor (which would require *at*, not *sed*), but regardless C. will refute the idea. **quae sunt habitae nunc in atrio Libertatis:** the *atrium Libertatis*, located inside the Porta Fontinalis near the future Forum Iulium (see Map 2), was the headquarters of the censors; later it would be rebuilt by Asinius Pollio with the first public library in Rome: see *NTDAR* 41, *LTUR* I.133–5. The present passage is our only evidence that it was used for the torture and interrogation of slaves. *sunt habitae nunc* is slightly unusual: the interrogations were finished before Cicero gave this speech (hence *sunt habitae*, not *habentur*), but the point is that they were held "just now" (*OLD* s.v. *nunc* 4), i.e. just two days ago, after the slaves had already been detained for a hundred days (cf. §§60 *centum dies penes accusatorem* and 98 *centesima lux est haec ab interitu P. Clodi et, opinor, altera* with notes). The cohesion of *esse* with the relative pronoun (*quae sunt habitae*) is regular: cf. §38n. *illo die quo est lata lex de me.* **quibusnam de seruis?** "On which slaves, I ask you [*OLD* s.v. *quinam* 1b]?" For the series of short questions and answers, cf. §15n. *quid ergo tulit?* **de P. Clodi:** sc. *seruis.* **Appius:** Ap. Claudius (*RE* 298 [misprinted 289]) Pulcher C. f. was the older son of C. Claudius (*RE* 303) Pulcher, one of P. Clodius' two older brothers. C. Claudius himself was probably in exile after conviction for extortion following his return from a propraetorship in Asia; Clodius' oldest brother, Ap. Claudius (*RE* 297), was away serving as proconsul in Cilicia (cf. §75n. *qui Appium fratrem ... deiecit*). This trial

thus fell to the younger generation of Claudii, and as Clodius' own son was still very little (*paruulus*, Asc. 35C), two of Clodius' nephews, brothers both (unusually) named Appius, stepped forward. Both demanded Milo's slaves in a pre-trial action (Asc. 35C), but only the elder of the two spoke at the trial (Asc. 39C, 41C). The elder would reconcile with C. (*Fam.* 10.29, 11.22), face and survive triumviral proscription, and rise to the consulship in 38 and a triumph in 32. The younger (*RE* Claudius 299) had no such achievements to boast of and several ignominies to be ashamed of. For full details of these two Appii, see Wiseman 1970. C.'s use of the bare praenomen here may not be contemptuous (cf. §33n. *tu me tibi iratum, Sexte, putas*), as the Claudii Pulchri seem to have used the distinguished praenomen *Appius* almost as a cognomen (Adams 1978: 153; cf. *Fam.* 3.7.5 *Appietatem*). **unde?** = *a quo?* (cf. §46n. *Milo de Clodi reditu unde quaesiuit?*). **"ab Appio":** C.'s outrage here seems justified, and at some point accusers were banned from using their own slaves as witnesses: *Dig.* 48.18.1.3 (Ulpian, citing a rescript of Marcus Aurelius and Lucius Verus) *ad quaestionem non esse prouocandos eos, quos accusator de domo sua produxit.* The *quaesitor* seems to have made a special exception in this trial: Asc. 39C *Domitius ex sententia iudicum pronuntiauit ut ex seruorum suorum* [MSS *eorum*] *numero accusator quot uellet ederet* (the humanist emendation *suorum* seems secure, because of course Appius never interrogated Milo's slaves). **di boni!** cf. §40n. *qui locus, quod tempus illud, di immortales, fuit!* **de seruis nulla lege quaestio est in dominum nisi de incestu, ut fuit in Clodium]:** an intrusive gloss on the following two sentences; the phrase is weak, disrupts the flow of C.'s argument, and has been expelled by most (though not all) editors since Heumann's edition of 1733. The glossator perhaps had knowledge of *Part.* 118 *cum* [sc. *maiores nostri*] *de seruis in dominos quaeri noluissent, de incestu tamen, et coniuratione quae facta me consule est, quaerendum putauerunt* (cf. Tac. *Ann.* 2.30.3). **proxime deos Clodius accessit** "Clodius has all but joined the gods." *proxime* regularly acts as a preposition with the accusative; cf. e.g. *Fam.* 12.13.2 *sunt tibi ... liberi ... carissimi, esse etiam debent ... proxime hos cari qui* etc. (*OLD* s.v. 6–8, K–S II.528). Here there is a slight play on words with the following *propius.* **tum cum ad ipsos penetrarat:** a reference to the Bona Dea scandal (on which see Introduction pp. 2–3). The pluperfect indicative in a *cum* clause is relatively rare, but C. provides a number of examples (K–S II.337); the indicative signals that time alone is being referred to (reinforced by *tum*). **cuius de morte tamquam de caerimoniis uiolatis quaeritur:** i.e., slaves can be tortured against their master's wishes in cases of sacrilege, like the Bona Dea affair (see above). This and the following sentence are simply an excuse to bring up the Bona Dea scandal; in

fact they make little sense, strictly speaking, since Milo's slaves are not being tortured at all. **sed tamen maiores nostri in dominum quaeri noluerunt:** a commonplace; cf. *Part.* 118 (cited above), *Deiot.* 3 *cum more maiorum de seruo in dominum ne tormentis quidem quaeri liceat.* For the tense of *noluerunt* "refused," cf. 36n. *pro me obici nolui.* For the importance of *maiores nostri* and the *mos maiorum,* cf. §70n. *iuris publici, moris maiorum, rei denique publicae peritissimum.* **non quia non posset uerum inueniri** "not because the truth couldn't be discovered." The subjunctive is regular in a clause of rejected reason ("not because *X* [subj.], but because *Y* [indic.]"): A–G 540 n. 3. *non quia non* seems to have stood in the archetype (H *non quia non;* ET *non quin non*) and should probably be retained. The phrase is admittedly rare (*non quin* seems more common: e.g. *Att.* 7.26.2 *non quin rectum esset sed quia, quod multo rectius fuit, id mihi fraudem tulit,* K–S II.386), but *non posset* probably forms a single unit here. Cf. *Tusc.* 1.1 *hoc mihi Latinis litteris illustrandum putaui, non quia philosophia Graecis et litteris et doctoribus percipi non posset, sed* etc. (sim. *Tull.* 5 *non quia res postulare non uideretur*). **et dominis morte ipsa tristius** "and (it seemed to our ancestors) for the masters a more dreadful thing than death itself." The idea is that it was utterly repulsive to the *maiores* for a master's slaves to be used against him, since allowing slaves to testify against their masters would put the masters at the mercy of the slaves. *dominis* is then a dative of reference (A–G §§376–9, i.e. "from the point of view of the masters"). The MSS divide between *dominis* (HV[c]) and *domini* (ET); the latter seems like a "simplification" of a slightly vague dative, but the genitive makes little sense (why are the options the death of the master or the torturing of the slaves?). **in reum de seruo accusatoris cum quaeritur:** very strong fronting of the initial phrase points the contrast with the foregoing: the *maiores* did not permit slave testimony against a master even though it might reveal the truth, but slave testimony of an accuser's slave against the accused is even more outrageous, because it has no chance of revealing the truth.

60 age uero "come now"; C. imagines what the "interrogation" must have been like. The language is extremely colloquial. **"heus tu, Rufio," uerbi causa:** *heus* ("hey"), often followed by *tu,* is the acme of colloquial address; it specially features in the example of "low and everyday language" at *Rhet. Her.* 4.14. *Rufio* is a typical slave name (Shackleton Bailey ad *Fam.* 7.20.1; cf. Suet. *Jul.* 77.1); its derivation from *rufus* "red" is probably not felt. *uerbi causā* = "for example" (*OLD* s.v. *causa* 17c); C. prefers *uerbi causa* (7x) or *exempli causa* (9x) to "our" *exempli gratia* (only *Off.* 3.50). On *causā* vs. *gratiā* more generally (*causā* the older form in prose), see Wölfflin 1884: 169–74. **caue sis mentiare** "please tell the truth." *sis* = "please" (< *si uis*), another colloquial word common in comedy but

very rare in C. (elsewhere only at *S. Rosc.* 48, *Orat.* 154, *Tusc.* 2.42, *Att.* 6.1.23). It is often placed after an imperative to soften a command, sometimes, as here, with a trace of irony (*OLD* s.v. b). *caue ... mentiare* is a form of negative imperative ("don't lie!"); *caue* can be construed with *ut* or *ne* ("take care to/not to do"), but when the conjunction is omitted, *ne* is understood (H–S 530; exceptions: Apul. *Met.* 2.18, 23). At least in some contexts *caue* has been grammaticalized into a word introducing a negative imperative (e.g. *Q. fr.* 3.7.4; cf. §49n. *age, sit ita factum*), and it is several times found after *heus* (Ter. *Ph.* 398, Apul. *Met.* 1.13, 2.18, 23, 8.26). Its specific level of politeness is very hard to gauge (De Melo 2007: 126–7); the tone here is of course mock-threatening. **Clodius insidias fecit Miloni?** "was it Clodius who set the ambush for Milo?" A parody of leading questions (which were, at least eventually, barred: *Dig.* 48.18.1.21 [Ulpian] *qui quaestionem habiturus est, non debet specialiter interrogare, an Lucius Titius homicidium fecerit, sed generaliter, quis id fecerit: alterum enim magis suggerentis quam requirentis uidetur*). The notion that the tortured victim will just say what the *quaesitor* wants to hear is a (doubtless true) commonplace (*Rhet. Her.* 2.10), though C. can argue the opposite when it suits his needs (*S. Rosc.* 77–8). Here C. has chosen a deliberately obtuse question, putting a misleading focus on Clodius' actions. The prosecution doubtless presented the slaves not so much to corroborate their claim that Clodius did not plot an ambush, but rather to help prove that Milo's slaves attacked Clodius and that Milo later ordered Clodius to be killed – territory C. wants to avoid entirely. Latin questions are usually introduced by a question word (*-ne, num, nonne* et sim.), but can also be conveyed by tone of voice, which is particularly common when a specific answer is sought and when the question is posed with some emotional force (e.g. surprise or menace): K–S II.501. **"fecit":** Latin did not regularly use words for "yes" and "no," and so repeating or denying the question word is a standard form of response; cf. Thesleff 1960: 12–18. **certa crux:** the archetypical punishment for Roman slaves; cf. e.g. Pl. *Mil.* 372–3 (the slave Sceledrus speaks) *scio crucem futuram mihi sepulcrum; | ibi mei sunt maiores siti, pater, auos, proauos, abauos*, Val. Max. 2.7.12 *seruile supplicium*, Tac. *Hist.* 2.72 *supplicium in seruilem modum.* **quid hac quaestione certius?** "What could be more reliable than this kind of interrogation?" C.'s first sarcastic rhetorical question focuses on the *quaestio* itself. **subito arrepti in quaestionem tamen separantur a ceteris et in arcas coniciuntur ne quis cum iis colloqui possit** "those seized suddenly for interrogation are nevertheless kept separate from their fellow slaves and thrown into cells so that no one can speak with them." The participial phrase (*subito arrepti in quaestionem*) provides the necessary contrast with the following *hi*; there is no need to change *a ceteris* to *ceteri* with Clark. (For masculine plural

perfect participles as substantives in C., see Laughton 1964: 77–82.) For *arca* "cell" (usually "chest, box"), see *TLL* II.433.11–19. **hi centum dies penes accusatorem cum fuissent ab eo ipso accusatore producti sunt:** *hi* = Clodius' slaves; they were not haled off unexpectedly for interrogation but rather had been in the accuser's power for a hundred days: there was thus ample opportunity for witness tampering. If *centum dies* is not just a round number, it implies that the slave testimony was taken two days prior to C.'s speech; for the chronology, see §98n. *centesima lux est ... et, opinor, altera. penes* "under the physical control of" (*OLD* s.v. 1) is stronger than e.g. *apud* or *cum*. The repetition of *accusator* points up the absurdity of the situation, and the word should not be deleted (cf. *Dig.* 48.18.1.3, quoted above; sim. repetition in §53 of *fundus* and *locus*). **quid hac quaestione ... incorruptius?** C.'s second sarcastic rhetorical question focuses on the run-up to the *quaestio.*

Consecutio (§§61–3)

Milo's behavior after the killing also proves his innocence. This discussion too is a standard part of a conjectural case (*consecutio, Rhet. Her.* 2.8), and C. makes the textbook moves, arguing that Milo's return to Rome and trust in the people and faith in Pompey all show a clear conscience. This behavior is also of a piece with Milo's consistently Stoic persona in the speech, to which C. will return especially in the *peroratio.*

61 Quod si: cf. §9n. *quod si.* **cernitis ... claris ... luceat:** C. continues the visual metaphors; cf. §6n. *nisi oculis uideritis insidias ... factas*, §6n. *clariores hac luce*, §54n. *si haec ... picta uideretis.* **res ipsa:** cf. §53n. *res loquitur ipsa.* In a neat rhetorical move, C. claims that he has already demonstrated Milo's innocence; this claim leads in turn to a further demonstration of Milo's innocence. **tot tam claris argumentis signisque** "so many crystal-clear proofs and indications." C. again unmistakably but unobtrusively invokes the technical language of a conjectural case (cf. §8n. *aut negari solere omnino esse factum aut recte et iure factum esse defendi*). A *signum* is a piece of evidence that shows someone had the ability to commit a crime (*Rhet. Her.* 2.6, *Inv.* 1.38), while an *argumentum* is an inference drawn from a person's behavior before, during, or after an event (C. has thus far focused on past behavior). *tot* and *tam* are often joined (with or without a conjunction), providing an alliterative accumulation: *OLD* s.v. *tot* 2b, Nägelsbach 1905: 404. **pura mente atque integra:** the pairing of feminine adjectives with *mente* eventually leads to the Romance adverbs (It./Sp. *puramente*, Fr. *purement*). In C., however, each word still seems to carry its full lexical value; i.e., C. really is talking about Milo's mind here.

For the early development of *-mente* adverbs in Latin, see Bauer 2010. For the "good men and true" word order, cf. §42n. *omnia ... intuemur.* **nullo ... nullo ... nulla:** a rising tricolon bound together by emphatic anaphora. **metu perterritum:** the apparent pleonasm is in fact a constant *iunctura* (*TLL* X.1.1783.42–50); it here allows C. to repeat *nullo.* For *perterritus*, cf. §41n. *dein subito uultu Milonis perterritus.* **nulla conscientia exanimatum** "in no way struck down by a guilty conscience." *exanimo* originally means "empty of air" and then "kill," but it very early developed a metaphorical sense of "prostrate with fear" (*OLD* s.v. 4); cf. e.g. Ter. *An.* 251 *oratio haec me miseram exanimauit metu*, §65 *metu exanimari.* The word *conscientia* can mean both a "good conscience" (*OLD* s.v. 3c; cf. e.g. §83 *in graui fortuna conscientia sua niteretur*) and, as here, a "guilty conscience" (*OLD* s.v. 3d; cf. e.g. §64). **reuertisse:** for the voice, cf. §51n. *reuerti*; the alliteration here (*Romam reuertisse, recordamini*) is perhaps emphatic. **per deos immortales:** almost exclusively Ciceronian property, found some twenty times in the speeches with an imperative (as here; elsewhere only Cato *orat.* 136) and twenty times with an interrogative (elsewhere only 3x Sal.): *TLL* X.1.1157.44–8. For the stock adjective, cf. §40n. *qui locus, quod tempus illud, di immortales, fuit!* **quae fuerit celeritas reditus eius, qui ingressus in forum ardente curia:** Milo returned to Rome the night after the killing when he learned that the burning of the Senate House had turned the people's feelings against Clodius (Asc. 33C). The present participle *ardente* may thus be a slight exaggeration, chosen to imply that Milo did not wait to see where the winds of popular sentiment blew but rather returned to Rome immediately, but the fire was presumably large (cf. §90n. *inflammari, exscindi, funestari*), and the building may have been still smoldering. **quae magnitudo animi, qui uultus, quae oratio:** Milo's bravery and Stoic constancy are key themes of this speech; cf. esp. the *exordium* and *peroratio.* The *oratio* refers to a *contio* summoned by M. Caelius (*RE* 35) Rufus, a tribune and Cicero's friend (details in §91n. *M. Caelius, tribunus plebis*), "some days" after the burning of the Senate House (*post aliquot dies*); already Milo was arguing that Clodius had set an ambush for him (Asc. 33C, reading *atque ipse* rather than *ac Cicero ipse*). *magnitudo animi* calques Gk. μεγαλοψυχία; it is a technical term for a philosophical virtue (cf. Dyck 1998: 228, Grillo ad *Prov.* 27). In long series of relative clauses, the verb is often found in the first; the clauses then progressively shrink in a balanced arrangement (cf. §69 *uides quam sit ... quantae timiditates*, §81 *quae ego uidi Athenis, quae aliis in urbibus Graeciae*, §102n. *me miserum*). **neque uero se populo solum ... uerum etiam eius potestati:** Milo freely entrusts himself to the people (in the *contio*), the senate (where his case has often been discussed; cf. §12), the surrounding soldiers, and above all Pompey. C.'s formulation exemplifies the

rhetorical figure of *gradatio* (*Rhet. Her.* 4.34), in which the second part of each member is repeated before going on to the next idea ("not just to the people *but also to the senate, and not just to the senate* but also ..."). Quintilian suggests that the figure is so marked that it should be used sparingly (9.3.54–7); further Landgraf ad *S. Rosc.* 62. For the word order, cf. §12n. *senatus non sententiis suis solum sed etiam studiis.* At Tac. *Ann.* 1.7 *senatus milesque et populus,* Tacitus plays on the traditional *SPQR* to point out the third element – the army – at work in governing Rome; C. could be making a similar play here. It happens that neither *neque ... tantum uerum etiam* nor *neque ... modo sed etiam* is found elsewhere in C.'s speeches (Hellmuth 1877: 53), but here there is a pressing need for *uarietas*; cf. H–S 518. **publicis praesidiis:** cf. §71 *publicorum praesidiorum,* i.e. Pompey's troops. **cui senatus totam rem publicam, omnem Italiae pubem, cuncta populi Romani arma commiserat:** Pompey has been entrusted the whole of the Republic as sole consul (Asc. 36C), and he had earlier been ordered to raise troops throughout Italy to secure the safety of the state (Asc. 34C). C. elegantly varies the tricolon with *totam ... omnem ... cuncta* (cf. e.g. *Dom.* 132, *Vat.* 8, *Pis.* 11). The noun *pubes* ("manpower," *OLD* s.v. *pubes*² 1) is rare and poetic (*TLL* x.2.2433.67–2434.15; elsewhere in prose in Liv. 1 [3x] and Tac. *Hist.* 2.47.3), perhaps lending solemn grandeur to C.'s pronouncement. (*cuncta* is likewise elevated, but here it is clearly serving *uariatio.*) *commiserat* neatly returns to *commisit*: Milo commits himself to Pompey, to whom the senate had committed everything (though cf. *commiserint* in the next sentence in an entirely different context, probably just by coincidence; sim. §84n. *cui primum mentem iniecit ut ui irritare ... auderet*). **cui numquam se hic profecto tradidisset nisi causae suae confideret** "to whom my client would never have entrusted himself, it goes without saying, unless he was confident in his cause." *se* cliticizes on focused *numquam.* For *hic* = "my client," see §12n. *huius ambusti tribuni plebis*; for *profecto,* see §2n. *qui profecto nec iustitiae suae putaret esse.* The imperfect subjunctive of *confideret* refers equally to past and present time, i.e., Milo believed in his cause then and still believes in it today (cf. §45n. *nisi ad cogitatum facinus approperaret*). **omnia audienti, magna metuenti, multa suspicanti, non nulla credenti:** a balanced and varied tetracolon. C. here refers to the rumors that he will expand upon in §§64–6. Pompey seems constantly to have been afraid, shutting himself up in his suburban estate and surrounding himself with a bodyguard of soldiers. Milo was said to be the cause (cf. Asc. 36C *timebat ... Pompeius Milonem seu timere se simulabat* with §21n. *familiarem Milonem* for the possibility that his fear was feigned; further Asc. 38C, 51–2C, §18n. *comprehensus est*). **magna uis est conscientiae, iudices, et magna in utramque partem:** for the emphatic repetition, cf. §44n. *et audistis uiuo Clodio. in*

utramque partem is a fixed phrase meaning "in each of two directions" (*OLD* s.vv. *uterque* 1d, *pars* 14), i.e., "whether one is guilty or innocent." **ut neque timeant ... et ... putent:** a result clause; for the omission of an introductory correlative (e.g. *tam*), cf. K–S II.248–9, H–S 640. For *neque ... et* "while not ... yet at the same time" (*OLD* s.v. *neque* 8a), cf. K–S II.48, H–S 517, §105 *neque enim prae lacrimis iam loqui possum, et* etc. **qui nihil commiserint ... qui peccarint:** relative clauses of characteristic. **poenam semper ante oculos uersari:** a vivid image; cf. *OLD* s.v. *uerso* 11b.

62 causa Milonis semper a senatu probata est: cf. §12. **sapientissimi homines:** stock praise in C., although the phrase (positive or superlative) scarcely occurs in other authors (perhaps only at Crassus *orat.* 45c, *Rhet. Her.* 2.48, Sen. *Nat.* 4b.7.1). C. thus flatters the senatorial third of the jury. **facti rationem, praesentiam animi, defensionis constantiam** "the reason for his act, his presence of mind, his firmness in defending himself," a tricolon with chiastic arrangement of each member; cf. §20n. *luget senatus ... desiderant.* C.'s abstract language is carefully chosen: he refers neutrally to the killing (cf. §29 *fecerunt id serui Milonis*), and he claims that the senate approved of Milo's self-defense (assuming the conclusion that he is arguing for in this speech). **an uero ... iudices:** cf. §33n. *An uero, iudices.* **obliti estis ... sermones et opiniones:** *sermo* here means "common talk, gossip" (*OLD* s.v. 4); *opinio* looks to the future ("expectations," *OLD* s.v. 2). C. is our only source for this scuttlebutt. In Latin prose between C. and Apuleius, *obliuiscor* + accusative is typically found only with neuter pronouns and adjectives (cf. §11n. *si id memineritis quod obliuisci non potestis*); other objects, especially names, are usually put in the genitive. C., however, supplies a handful of examples of the accusative used more widely, including §63 *homines ... res praeclarissimas obliuiscuntur.* Many of these exceptions have particular explanations; here there is doubtless a wish to avoid a pile-up of genitives (*inimicorum Milonis sermonum et opinionum*). **necis Clodianae:** the force of the adjective *Clodianus* is hard to gauge. In addition to onomastic contexts, it is used literally in e.g. *Sest.* 79 *manus illa Clodiana* ("that Clodian band," i.e. "band made up of Clodius' supporters"; cf. §89 *legibus Clodianis*), but it occurs repeatedly in this speech as a substitute for the genitive *Clodi* (§§34 *furoribus Clodianis*, 67 and 72 *Clodianum crimen*, 94 *Clodianis armis*); further *TLL Onomasticon* II.501.41–53. Here it avoids a series of genitives, but in conjunction with the elevated *necis* it may carry a whiff of high-style irony (such adjectives are frequent in high poetry, e.g. Sen. *Her. O.* 1177–8 *femina <u>Herculeae necis</u> | auctor feretur*); cf. C.'s humorous reference to the "battle of Bovillae" (*Att.* 5.13.1): *Ephesum uenimus a. d. XI Kal. Sext., sexagesimo et quingentesimo <u>post</u>*

pugnam Bouill<an>am (all the funnier because Bovillae was a tiny town: *Planc.* 23). Nevertheless, Pliny the Elder can use the phrase with no trace of irony (*Nat.* 34.139, quoted in §66n. *senator inuentus est qui Milonem cum telo esse diceret*). **sed non nullorum etiam imperitorum** "but also of some ignorant people," probably of the unwashed masses generally rather than specifically those who do not know Milo's true character. Cf. *Clu.* 5 *falsa inuidia ... ualeat in opinionibus ac sermonibus imperitorum, ab ingeniis prudentium repudietur.* C. very often uses *imperit(issim)i* specifically in reference to "popular" contional audiences: Morstein-Marx 2004: 68–9. **negabant eum Romam ēssĕ rĕdĭtūrūm** "they said he wouldn't return to Rome." Latin prefers *nego* to *dico non*; cf. §47n. [*hi*] *qui Clodium negant ... fuisse rediturum.* The fronting of the verb focuses the new piece of information, while the word order also creates a resolved cretic-trochaic clausula (*esse rediturūm nĕgābānt* is also good, but the hexameter ending *rediturum ēssĕ nĕgābānt* is to be avoided).

63 siue enim ... arbitrabantur eum tanti mortem P. Clodi putasse ... siue ... non dubitaturum fortem uirum: a long sentence whose main verb, *arbitrabantur*, introduces two accusative with infinitive constructions that serve as apodoses to the alternative conditions; the subjunctives in the subordinate clauses are thus triggered by indirect discourse. C. claims that people thought Milo would gladly go into exile after Clodius' death, whether he killed him out of hatred or a desire to free the fatherland from a pestilence. *siue ... siue* introduces alternative conditions, here each with its own apodosis ("if on the one hand ... if on the other," *OLD* s.v. 3). **siue enim illud animo irato ac percito fecisset ut incensus odio trucidārĕt īnĭmīcūm** "for if on the one hand he'd done the deed in a fit of passionate rage, so that he cut down his enemy because he was stirred up by anger." *illud* probably refers vaguely to the killing, with *ut* introducing a result clause (cf. the result clause of §95 *se fecisse commemorat ut* etc.). If *illud* pointed forward to the *ut*-clause, the sentence would be tautological ("if out of anger he'd brought it about that he killed his enemy out of anger"). *percito* is an irresistible humanist conjecture for the transmitted *perdito.* Since C. is reporting the thought of Milo's enemies, the depreciatory *perdito* is not impossible (cf. §4n. *a perditissimis ciuibus*), but *percito* (< *percieo,* "stir up, excite, move") is exactly the right word to use of someone stirred up by anger vel sim.: cf. e.g. Pl. *Cas.* 628 *apscede ab ista ... ne quid in te mali faxit irā percita, B. Afr.* 46.1 *ira percitus Scipio atque animi dolore incensus,* Liv. 6.38.8 *magno furore percitus.* If right, the word occurs in C. only here. The harshly prejudicial *trucidaret* ("kill in a savage manner, butcher," *OLD* s.v. 2), applied to Milo and not his slaves, represents the rumors in the air. Both this *siue*-clause and the next end in parallel resolved

cretic-trochaic rhythms, helping to provide aural punctuation for a long sentence. **tanti:** genitive of indefinite value, introducing the following result clause; cf. §58n. *etsi id quidem non tanti est quam quod.* **ut aequo animo patria careret** "that he would be content to live in exile." *patria carere* is a fixed euphemism for life in exile (cf. e.g. *Sest.* 145 *carui patria, Red. Pop.* 20, *Lig.* 12, *Fam.* 4.7.4, 4.9.3, 4, *Att.* 3.26.1), and *carere* is likewise constantly joined with *aequo animo* (cf. e.g. *Dom.* 97 *ea rei publicae causa reliquissem quibus aequo animo carerem, TLL* III.453.63–7); *aequo animo* also contrasts with the preceding *animo irato ac percito.* **cum sanguine inimici explesset odium suum:** a causal *cum* explaining why Milo would not mind exile. For the idea of slaking one's bloodlust, cf. §58n. *non sanguine et uulneribus suis crudelissimi inimici mentem oculosque satiauit.* **siue etiam illius morte patriam liberārĕ uŏlŭĭssēt** "or likewise if he'd wanted to set his fatherland free by that man's death." *siue etiam* is a fixed phrase (generally restricted to the last of a sequence of alternative conditions): *TLL* V.2.943.24–32. **non dubitaturum fortem uirum quin:** "the gallant man would not hesitate to." *non dubito quin* is regular in the sense "I don't doubt that" (cf. §11n. *non ... dubito quin*), but *non dubito* + infinitive is more usual for "I don't hesitate to." Still, C. supplies a number of instances of *non dubito quin* "I don't hesitate to": see *TLL* V.1.2096.67–82; further K–S II.265. Sometimes, as here, the fact that *non dubitaturum* is already an infinitive may influence the construction. **cum suo periculo salutem populo Romano attulisset:** C. returns to the persistent theme of the *salus* of the Roman people (cf. §1n. *magis de rei publicae salute quam de sua*). For *suo periculo* "at the risk of his own life," cf. §41n. *quem ... periculo capitis non dubitauit occidere?* **cederet aequo animo legibus:** the first member of a triumphantly rising tricolon; C. lingers on the more flattering alternative motive being discussed by the people. For *cederet,* cf. §2n. *cederem tempori;* for *legibus* plural (= "law"), cf. §9n. *gladium nobis ... ab ipsis porrigi legibus.* C. repeats *aequo animo* here. **gloriam sempiternam:** C. will return to the theme of Milo's glory in the *peroratio* (§97). **uobis haec fruenda relinqueret quae īpsĕ sēruāssēt** "he would leave you to enjoy these things which he himself had saved," i.e. a free life in a free Rome; C. presumably gestures to the city. *fruor* is strictly speaking intransitive in C. (it takes the ablative), but it still can form a gerundive, seemingly a holdover from archaic Latin, when the verb was transitive (sim. *utor, fungor, potior, uescor:* K–S I.733). *seruasset* is subjunctive in indirect discourse (i.e., it represents the words people were saying); the syncopated form ensures that the period ends with a cretic-trochaic clausula. **multi etiam Catilinam atque illa portenta loquebantur** "many people were even speaking the name of Catiline and those monstrosities," i.e., people compared Milo to Catiline. *portentum* "a monster of wickedness" (*OLD* s.v. 2b) is a favorite

Ciceronian term of reproach (*TLL* x.2.19.43–54). *loquor* + accusative is perhaps colloquial; cf. e.g. *Att.* 9.2a.3 *nihil nisi classes loquens et exercitus* (further Ciceronian examples at *TLL* vii.2.1666.39–43), K–S 1.264, Lebreton 177. **"erumpet ... bellum patriae faciet."**: cf. e.g. *Catil.* 2.1 *abiit, excessit, euasit, erupit.* Milo's desperado death along with Caelius in 48 BC in an uprising against Caesar shows that the idea was not ridiculous: see Introduction p. 18. **miseros interdum ciues optime de re publica meritos** "how wretched sometimes are the very citizens who have best served the Republic!" C. yet again conveniently forgets his promise in §6 *T. Anni tribunatu rebusque omnibus pro salute rei publicae gestis ... non abutemur.* The accusatives are exclamatory: A–G 397d; cf. e.g. §102 *o me infelicem.* The verb *mereor* is regularly construed with adverbs like *bene* + *de,* lit. "deserve well of," i.e. because of past services (*OLD* s.v. *mereo* 6; cf. §83 *bene meritos de re publica ciues*). **res praeclarissimas obliuiscuntur:** for *obliuiscor* + accusative, cf. §62n. *obliti estis ... sermones et opiniones.* The need for parallelism with (*res*) *nefarias suspicantur* influences the construction here.

64 ergo illa falsa fuerunt: C. thus concludes that Milo's behavior marks him as innocent. **si Milo admisisset aliquid quod non posset:** *admitto* here means "commit, perpetrate" (*OLD* s.v. 13); cf. §34n. *quid erat cur Milo non dicam admitteret, Rab. Perd.* 26 *si ... fraudem capitalem admisit.* For *si ... aliquid,* cf. §10n. *in aliquas insidias.* For the subjunctive *posset,* cf. §58n. *quod minus moleste ferat.*

Locus communis contra rumores (§§64–6)

C. now deals specifically with various rumors circulating against Milo: that he was stockpiling weapons for an armed insurrection; that his slaves had been detected discussing a plot to assassinate Pompey; that Milo had appeared with a weapon at a meeting of the senate. All these rumors are summarily dismissed as ridiculous. Arguments for and against rumors were a stock part of a conjectural case (*Rhet. Her.* 2.12), but C. is perhaps innovative in refuting most of these stories simply by mocking them. The close connection of the rumors with Pompey leads into C.'s direct appeal to Pompey in the following section.

64 Quid? cf. §33n. *quid?* **quae postea sunt in eum congesta:** *congero* = "heap accusations on a person" (*OLD* s.v. 7b), a vivid word; cf. *Planc.* 83 *haec ... frequenter in me congessisti, Phil.* 3.15 *in Caesarem ut maledicta congessit.* **quae quemuis etiam mediocrium delictorum conscientiā perculissent** "which would have overcome anyone conscious of being guilty of

even minor misdeeds." A *delictum* is a private wrong, i.e. a civil offense (a *crimen* is a public wrong: *OCD* s.v. *delictum*). *perculissent* is subjunctive in an implied past contrary-to-fact condition (so too the following *potuisset*); cf. §29n. *quod suos quisque seruos in tali re facere uoluisset.* Clark reads *qu<u>a</u>muis* (H) ... *conscientia<u>m</u>* (humanist conjecture), which seems both improbable and strained for the sense *quemuis ... conscium* ("anyone conscious"). The transmitted *conscientia* is an ablative of description: while such nouns usually require an adjective (cf. the following *maximo animo*), they can instead be paired with an attributive genitive, as here (K–S 1.457). **ut sustinuit, di immortales! sustinuit? immo uero ut contempsit ac pro nihilo putauit** "ye gods, how [*OLD* s.v. *ut* 2] he bore up under them! Bore up under them? More than that: how he despised them and treated them as nothing (*OLD* s.v. *nihilum* 3c)!" The emphatic repetition and replacement of *sustinuit* by the more powerful *contempsit* is called *correctio* (*Rhet. Her.* 4.36, Lausberg §§784–6, Wills 1996: 68–9; cf. §76 *uestras pecunias: pecunias dico?*); it draws attention to Milo's courage. For *di immortales*, cf. §40n. *qui locus, quod tempus illud, di immortales, fuit!* The phrasing is typical; cf. e.g. *Div. Caec.* 24 *quos non sine causa contempsit semper ac pro nihilo putauit.* **neque maximo animo nocens neque innocens nisi fortissimus uir:** chiastic structure with *uariatio,* as the ablative of description (*maximo animo* = "bravest") becomes an appositive phrase (*fortissimus uir* = "bravest" with added moral dimensions; *fortissimus* is Milo's standing epithet in this speech: cf. §1n. *pro fortissimo uiro*). Only a Milo could have weathered such a storm of slander, C. says. **scutorum, gladiorum, pilorum, frenorum etiam multitudo deprehendi posse indicabatur:** stockpiling supplies for armed rebellion; cf. the preparations of the Catilinarian conspirators (Plut. *Cic.* 18–19; cf. *Catil.* 3.10). *frenorum etiam* ("even bridles") is surely meant as a humorous anti-climax to point up how ridiculous these rumors were, not as a genuine indication that the rumors included a cavalry force. The old chestnut that the Roman ear disliked repeated *-orum* (and *-arum*) requires some nuancing (two genitives plural in close proximity is not unusual, otherwise it would be hard for genitive plural nouns to have modifiers), but four-fold repetition is quite rare: out of more than 3,000 genitives plural in *-orum* in C.'s speeches, there are perhaps only three other instances of consecutive four- or five-fold repetition, viz. *Ver.* 3.103 (five-fold), *Cael.* 68 (four-fold), *Pis.* 25 (four-fold); even three-fold repetition is relatively rare (*ca.* 14x). Thus it may be marked here, lingering on C.'s sarcasm, as perhaps too *Cael.* 68 *tandem aliquid inuenimus quod ista mulier* [= Clodia] *de <u>suorum propinquorum, fortissimorum uirorum</u>, sententia atque auctoritate fecisse dicatur.* For the personal passive *indicabatur,* cf. §47n. *certe liberatur Milo.* **nullum angiportum** "no alley," another humorous exaggeration pointed up by anaphoric *nullum.* Milo supposedly has

bases all over the city. **arma in uillam Ocriculanam deuecta Tiberi:** Ocriculum (mod. Otricoli) was some 36 miles (58 km) north of Rome on the eastern side of the Tiber; its distance from Rome makes this rumor seem ridiculous: why stockpile weapons there for an assault on the city? The arms are imagined to have been transported there from somewhere further upriver. *Tiber* is a third-declension *i*-stem (accusative *Tiberim*, ablative *Tiberi*). **domus in cliuo Capitolino scutis referta:** a more threatening location, but it is still perhaps absurd to make mention only of "shields." Of this supposed house on the Capitoline nothing further is known, although it has been surmised that "because the Clivus Capitolinus was steep and ran in a switchback, such a house would almost certainly have had to have lain in the narrow area between the Vicus Iugarius and the clivus, behind the Temple of Saturn" (*NTDAR* 131). If the text is right, C.'s shift from indirect to direct speech (i.e., *domŭs ... referta* nominative) will have occurred already in the previous clause; the direct speech creates a vividly parodic tricolon in C.'s own voice, with omission of *esse* lending speed and immediacy to the narrative (cf. §23n. *et ii lecti iudices, isque praepositus quaestioni*). But the abrupt shift to direct speech is not easy, and it is admittedly hard to parallel so many consecutive perfect passive verbs in direct speech without a form of *esse* (much easier would have been an introductory *deuecta <u>sunt</u>*). Heumann's *domūs ... refertas̲* restores indirect speech at the cost of a less common accusative plural (not impossible, but more common *dom<u>os</u>*: N–W 1.776–7) and giving Milo multiple houses on the Capitoline; R. Klotz's *domum ... refertam* answers those objections but requires us to suppose further corruption. The transmitted text is printed here with no great confidence, although it is worth observing that C. clearly omits forms of *esse* with the following *delata* etc. For a somewhat similar shift in construction, cf. *S. Rosc.* 133 *habet ... rus amoenum et suburbanum, plura praeterea praedia ... domus referta* [nominative] *uasis Corinthiis et Deliacis* with Landgraf. **malleolorum ad urbis incendia comparatorum:** cf. *Catil.* 1.32 *malleolos et faces ad inflammandam urbem comparare* with Dyck. A *malleolus* here is not a small hammer but rather a stick filled with a bulging ball of incendiary material at one end ("fire-dart," *OLD* s.v. 3), the whole thus loosely resembling a club; it is a sort of ancient Molotov cocktail. The fullest description of the weapon is Amm. 23.4.14, on which see den Hengst 2010: 330–2. **delata:** *defero* "report" (cf. §26 *detulit*) develops a special sense of "denounce, accuse" (*OLD* s.v. 9), often with a negative connotation. **nec ante repudiata sunt quam quaesita** "and they were not put to rest until there had been an investigation." Of this investigation nothing further is known. For *ante ... quam*, see A–G 434; cf. §44n. *post diem tertium gesta res est quam dixerat.*

65 **Laudabam equidem incredibilem diligentiam Cn. Pompei:** Pompey evidently ordered the investigation. *laudabam equidem* ("to be sure, I kept praising") sets up a contrast; cf. e.g. *Phil.* 12.3 *quod uidebam equidem, sed quasi per caliginem* (for *equidem,* see further §5n. *equidem*). For Pompey's nomenclature, cf. §2n. *sed me recreat et reficit Cn. Pompei ... consilium.* **sed dicam ut sentio** "but I'll tell you how I really feel," a colloquialism found four times in C. (*N.D.* 1.78, *Fam.* 3.8.6, *Att.* 9.7.7); similar phrases abound (cf. e.g. *Catil.* 3.17 *dicam id quod sentio, Quirites*). Cf. further e.g. *Marc.* 1 *diuturni silenti ... finem hodiernus dies attulit, idemque initium quae uellem quaeque sentirem meo pristino more dicendi,* Tac. *Hist.* 1.1.4 *ubi sentire quae uelis et quae sentias dicere licet.* **neque aliter facere possunt** "and they can't do otherwise." As in English, *facio* can be used of performing the action indicated by another verb ("do so," *OLD* s.v. 26). **quibus commissa tōta ēst rēs pūblicā:** the word order here is uncertain (ET *tota commissa est res publica;* H *commissa tota rei p. est;* V[c] *commissa tota est res p.*). *commissa tōta ēst rēs pūblĭcā* provides a good clausula and conforms to Adams' observation that *est* often cliticizes on adjectives of size and quantity (1994a: 35–6), and it seems more likely that *commissa tota est* would be changed to *tota commissa est* than vice versa. **quin etiam fuit audiendus popa, Licinius nescio qui de circo maximo** "why, even a priest's underling had to be heard, a certain Licinius from the Circus Maximus." *quin etiam* amplifies a preceding statement with a specific example (*OLD* s.v. *quin* 3a; the phrase occurs more than 90x in C.: cf. §26 *quin etiam*). The word *quin* seems to have caused the scribe of the archetype to write *fuerit* reflexively (*fuit* is a Renaissance emendation; Madvig less probably proposed *cui etiam fuerit*). A *popa* was a priest's sacrificial attendant, the man who dealt a blow to the victim's head before its throat was slit by the *cultrarius* (cf. Suet. *Cal.* 32.3). He seems also to have cooked the animal (Oscan/Umbrian *pop-* = Lat. *coqu-*; cf. *popina* ~ *coquina*); *popae* had a reputation for being fat and greedy (cf. Prop. 4.3.62, Pers. 6.74). C. is consistently scornful: not only is the man a mere *popa;* he is further reduced by *nescio qui* (*OLD* s.v. *nescio* 6a) and given a dubious origin (*de circo maximo,* evidently a disreputable area; for the preposition, cf. K–S 1.499): sim. Asc. 51C *Licinium quendam de plebe sacrificulum.* The point is that this is not a man whose testimony should be taken seriously; cf. *Clu.* 163 *A. Biuium quendam coponem de uia Latina.* **seruos Milonis apud se ebrios factos sibi confessos se de interficiendo Cn. Pompeio coniurasse** "(who said that) slaves of Milo who'd gotten drunk at his place had confessed to him that they'd been involved in a plot to murder Pompey." Licinius seems to have had a tavern where he sold the sacrificed meat, since it is hard to imagine him simply inviting Milo's slaves to his own house (and "in his presence" would be *coram se;*

apud is used in this sense only of public speaking before an audience: *OLD* s.v. 8). The plot was in the past at the time of the supposed confession (perfect infinitive *coniurasse*). These slaves may be gladiators: see below. After *audiendus* C. shifts into implied indirect speech. The first *se* and *sibi* refer to Licinius, the second *se* to the slaves; when context makes this clear Latin feels no need for further specification, although *is/ille* can be used to refer back to the subject of the main sentence: K–S I.609–10. (*confessos se* in HV^{c} is probably right against *confessos esse* in ET: cf. §52n. *hunc prae se tulisse se*). **dein postea:** a common redundancy (*TLL* X.2.190.72–82, K–S II.573). **percussum esse:** a perfectly reasonable way to say "was struck," but perhaps too a knowing pun on the word as the technical term for killing a sacrificial victim, i.e. the *popa*'s job (*OLD* s.v. 2). **[ab uno de illis]:** these words do not look like C.'s. It seems doubtful whether *unus* in C. can mean "a certain one" (*OLD* s.v. 11), a vulgar usage that develops into the indefinite article in Romance languages; elsewhere in C. it is used with its full force of "one" (cf. e.g. §90 *neque id fieri a multitudine imperita ... sed ab uno*). *illis* too, while more defensible, is verging on *iis* "them," the weakening that leads to the Romance definite articles. This is how a later glossator would say "by one of them," not how C. would have done so, and the phrase is an unnecessary addition. If genuine, it is just possible that C. is quoting lowly Licinius' words. **Pompeio nuntiātŭr ĭn hōrtōs** "word was sent to Pompey at his suburban villa," the first member of a tricolon in asyndeton with vivid historic present verbs (for the tense, cf. §28n. *obuiam fit ei Clodius*). Pompey was staying at his fortified suburban estate (cf. Asc. 36C *plerumque non domi suae sed in hortis manebat*). When he first returned to Rome from his Alsian villa with proconsular imperium, he could not cross the *pomerium* (cf. Asc. 34C *qui pro cos.* <u>*ad urbem*</u> *erat*, 28C), and this incident took place before he had been made sole consul (Asc. 51C); after becoming consul he was able to enter the city proper. *horti* (plural) are a property with a particularly pleasant aspect, often near the city and so opposed to it by contrast (a usage not adequately treated by the *OLD* s.v. 2; cf. *TLL* VI.3.3016.59–63); the *horti Pompeiani* were probably in the Campus Martius north of Pompey's theater (*NTDAR* 201, *LTUR* III.78–9 [with other possible locations], Carandini 2017: II Tab. III with speculative reconstruction). *nuntio* is construed with a dative of a person and also occasionally with a further phrase denoting motion toward (cf. e.g. how in Latin, when you send a message to someone at Rome, you send a message to someone "to Rome"). ET read *nuntiauit*, but the historic present seems necessary with following *arcessor* and *defert*, the passive goes well with *arcessor*, and in any event it seems more probable historically (did Licinius really come into Pompey's inner sanctum and tell him directly? – though cf. Asc. 51C *responderat Pompeius Licinium ... ad se*

detulisse). Klotz prints *in hortos nūntĭātūr*, adopting the verb form of H and the word order of ET, the latter presumably to avoid a heroic clausula. But avoiding a hexameter ending here is probably insufficient justification for such a change; cf. §91n. *cum gladiis toto foro uolitarunt.* **arcessor in primis:** C. again inserts himself into the narrative; he is both defense attorney and witness, and makes himself seem a particular friend of Pompey's. **de amicorum sententia** "on the advice [*OLD* s.v. *sententia* 2b] of his friends," C. of course among them. Taking advice from a council of close friends before an important decision was an almost formally institutionalized Roman custom: see Crook 1955: 4–7. **non poteram ... non metu exanimari:** for the theme of fear and its expression with double negatives, cf. §2n. *non illa praesidia ... non afferunt ... oratori terroris aliquid.* For *exanimari*, cf. §61n. *nulla conscientia exanimatum.* **illius mei patriaeque custodis:** Pompey was C.'s protector as the man who had secured his recall from exile, and the protector of the *patria* as sole consul by the time of the speech. For *custos* as a quasi-technical late Republican term, see Woodman ad Vell. 2.98.1. **credi popae** "that a priest's underling was being believed," to paraphrase with C.'s prejudicial tone; intransitive verbs can only form impersonal passives. **confessionem seruorum audiri:** this is not a return to C.'s legal debates around slave testimony above, as Licinius was not in a court; it is simply a statement that slaves are unreliable reporters. **quod acu punctum uideretur pro ictu gladiatoris probari:** an artful contrast pointed up by wordplay (*acu* ~ *ictu*). *uideretur* is subjunctive in a relative clause of characteristic. *gladiatoris* seems to imply that these slaves of Milo's were in fact gladiators (cf. Asc. 32C), a detail which C. had avoided mentioning.

66 ut intellego "I realize." Outside of his letters, C. usually inserts such parenthetical verbs only when, as here, they are preceded by *ut* (and the like); other authors are freer, and a verb like *puto* can be used paratactically (e.g. Sen. *Apoc.* 4.3 *uae me, puto concacaui me*). **cauebat magis Pompeius quam timebat:** fronting the verb focuses this shift in interpretation; the phrase is bound together by rhyme. **ne uos aliquid timeretis:** C. artfully shifts the fear away from Pompey, or at least says that he does. For *ne ... aliquid*, cf. §10n. *in aliquas insidias*; here the full form contrasts with the foregoing *omnia* (hence *aliquid* not *quidquam*: cf. §8n. *An est quisquam qui hoc ignoret*). **oppugnata domus C. Caesaris ... nuntiabatur:** Julius Caesar, away on campaign, was the *pontifex maximus*, and his house is presumably his official residence in that capacity, the Domus Publica in the Forum near the Regia (Suet. *Jul.* 46.1, *NTDAR* 133–4, *LTUR* II.165–6; cf. §37n. *nuper quidem, ut scitis, me ad Regiam paene confecit*). Nothing further is known of this (non-)incident. The brisk asyndeton of this and

the following sentences parallels C.'s brisk dismissal of the rumors. *oppugnata domus* is the subject of the personal passive *nuntiabatur.* Probably *esse* should be understood with *oppugnata* ("it was announced that the house had been under siege": K–S 1.710), although *oppugnata* could be predicate ("the house was announced as having been under siege": H–S 392); it amounts to a distinction without a difference. **multas noctis horas:** i.e. that the house had been under siege for many hours. ET read *per multas noctis horas,* but *per horas* is very rare in Latin and never found in C. (cf. *TLL* VI.3.2957.23–9), and so H's bare accusative is to be preferred; cf. *De orat.* 1.166 *quos multas horas exspectauit.* **nemo audierat ... tamen audiebatur:** a pointed paradox; although no one actually heard the siege taking place (even though the Regia was in the Forum), nevertheless the rumors were "heard," i.e. taken seriously (*OLD* s.v. 10). **non poteram Cn. Pompeium, praestantissima uirtute uirum, timidum suspicari** "I couldn't suspect that Pompey, a man of the most outstanding courage, was fearful." C. sails close to the wind; these remarks can slide very easily into irony, especially in the published speech. *timidus* means "fearful (by nature)," i.e., C. is talking about Pompey's character in general, not his behavior on a particular occasion. **diligentiam tota re publica suscepta nimiam nullam putabam** "I reckoned that for a man who had taken the whole of the Republic on his shoulders, no amount of diligence was too much"; C. again praises Pompey's *diligentia* (cf. §65 *incredibilem diligentiam*). HV[c] read *pro tota re publica suscepta,* but *diligentia* is not elsewhere construed with *pro,* and a more general ablative absolute is more effective rhetorically. **frequentissimo senatu:** cf. §12n. *frequentissimo senatu.* **in Capitolio:** i.e., in the *Area Capitolina* around the temple of Jupiter Optimus Maximus (*NTDAR* 31–2, *LTUR* I.114–17; see Maps 2 and 3). The topic of the meeting is unknown, but it must have been of serious importance to be held in this solemn location: see Weigel 1986: 338. **senator inuentus est qui Milonem cum telo esse diceret:** P. Cornificius (*RE* 6), as reported by Asc. 36C. About this Cornificius little is known, but he, like Milo, probably came from Lanuvium (Syme 1955: 61); C. implies that he had somehow been suborned by more powerful forces (*senator inuentus est*). The whole incident is somewhat farcical, as it is hard to believe that Milo would have attempted to assassinate the consul Pompey at a packed meeting of the senate. Pompey had specifically outlawed carrying weapons in the city, which was not otherwise illegal (cf. §11): *Magni Pompei in tertio consulatu exstat edictum in tumultu necis Clodianae prohibentis ullum telum esse in urbe* (Plin. *Nat.* 34.139). For the phrase *cum telo,* cf. §11n. *cum telo. qui ... diceret* is a relative clause of characteristic or a purpose clause. **nudauit se** "he stripped naked." Fronting *nudauit* without sentence connection throws sharp emphasis on this dramatic development; it was generally considered

nefas to be naked in a consecrated place (Val. Max. 2.1.7), and so Milo has taken an exceptionally bold step to prove his innocence. **quoniam uita ... fidem non faciebat:** *fidem facio* = "persuade, convince" (*OLD* s.v. *fides* 11); for *quoniam*, cf. §48n. *quoniam*. **ut ... res ipsa loqueretur:** cf. §53n. *res loquitur ipsa*.

67 omnia falsa atque insidiose ficta comperta sunt "all of these stories have been determined to be untrue and maliciously fabricated." *comperio* is a technical term for finding out facts by investigation (*OLD* s.v. 1), so favored by C. in connection with his actions in suppressing the Catilinarian conspiracy that his enemies mocked him with it (*Fam.* 5.5.2). There is no reason to read the rare form *false* (HV^c; cf. §70n. *falso*) with Clark; the balance of the phrase is fine with *falsa*, as *atque* introduces a heavier and more consequential second member. Clark likewise prefers the humanist conjecture *inuidiose* ("so as to arouse dislike") for *insidiose* ("treacherously, deceitfully"); while the two forms are constantly confused (*TLL* VII.2.206.56–62), there is little or no improvement in sense from the emendation, and in a speech so focused on ambushes the word may have point. Cf. *Off.* 3.68 *ratio ... postulat, ne quid insidiose, ne quid simulate, ne quid fallaciter* [sc. *fiat*].

Address to Pompey (§§67–71)

C. now turns to address Pompey directly, or at least notionally does so. He returns to the topic of Pompey's potential prejudice against Milo (cf. §§15–22), attempting to show that it is without basis. Some scholars believe that parts of this section must be additions to the published speech, seeing irony in some of the "praise." Others hypothesize that C.'s visible additions may begin immediately after this section, which certainly looks as if it should introduce the *peroratio*. Still others believe that the speech that we have is probably more or less what C. spoke in court, or that C. may have made revisions but we cannot hope to detect them today. On the challenging questions of revision and the differences between the delivered and published versions of the speech, see Introduction pp. 37–44.

67 Cur tamen [si] metuitur etiam nunc Miloni? "Why, nevertheless, do we fear for Milo even now?" I.e., given that the rumors against him are baseless, why should Milo's friends still be concerned? C. goes on to explain: it is not the present murder charge that worries him, but Pompey's suspicions. The text and precise interpretation here are uncertain: the MSS transmit *cum tamen si ... Milo*. Among many conjectures (discussion in Lang 1865:

17–21), Wolff 1861: 727 suggested *Miloni* with repunctuation of the transmitted text; Madvig *cum tamen [si] ... Milo.* It seems likely that the previous sentence concludes the foregoing treatment of rumors with a strong dismissal, and that this sentence should form a self-contained transition to the following address to Pompey (note that the lemma in Asconius begins *non iam timemus*). The text printed here meets those requirements, but it is admittedly far from the MSS. The most palaeographically plausible proposal is Schulz's *uerum tamen, si ... Milo* (*uerum* abbreviated *ūum* and so confused with *cum*), but it fails to form a transition (self-contained or not) to the following clause. **non iam hoc Clodiānūm crīmēn tĭmēmūs, sed tuas ... tuas, inquam, suspicionēs pĕrhōrrēscĭmūs:** neatly parallel structure with more emphasis on the second half of the contrast; *perhorrescimus* is stronger than *timemus* (but the inchoative *-esco* is not significant, as *perhorreo* does not occur until Tertullian; sim. §42), and the *geminatio* and emphatic position of *tuas* train the focus squarely on Pompey (cf. §21n. *Non fuit ... profecto non fuit cur*). The addition of *inquam* is especially common in resumptions after parenthetical remarks (cf. e.g. §§79, 85, 86, 101, Wills 1996: 66, *TLL* VII.1.1786.51–1787.36). Rhythm points up the sense and punctuates the sentence. **te enim appello, et ea uoce ut me exaudire possis:** on the first day of witness testimony Pompey had been sitting *ad aerarium*, i.e. at the Temple of Saturn (see Map 3), probably on top of the temple podium in order to keep an eye on the trial. There he was disturbed by the uproar from Milo's trial but presumably could not hear the advocates themselves; he then promised that he would come down closer the following day with an armed guard (Asc. 40C). During C.'s speech Pompey was seated *pro aerario* (Asc. 41C), i.e. somewhere in front of the Temple of Saturn. The precise location of the court – and that of most late Republican standing courts – cannot be certain (Lintott 2004: 63–4), but the reconstruction in David 1992: 39–41 (see esp. n. 138), with plan at 44–5, seems plausible: the court *de ui* would then stand just east or east-northeast of the Temple of Saturn, about 10–30 yards (9–27 m) away (further discussion and speculation in Welin 1953: 101–4, Forschner 2015: 101–4). This would have been within earshot of Pompey. (Contra Marshall ad Asc. 40C *ad aerarium*, C. cannot have been speaking from the *rostra*, which were some 65 yards [60 m] away; in any case there is no evidence of criminal courts ever meeting there.) A location immediately in front of the Temple of Concord is also possible (see Map 3). The statement of the Scholia Bobiensia (112.5 St.) that the jurors sat in the Temple of Saturn seems a mistake, perhaps a misinference from Asc. 40–1C on Pompey's location. C. then raises his voice to get Pompey's attention and perhaps to be heard over the noise of the crowd (see briefly

Richardson 1973: 225). If these sections were added in the published version of the speech, Pompey's literal hearing is immaterial, but even then C.'s fiction should still be plausible. For a sophisticated attempt to understand the acoustics of the late Republican Forum, including reconstructions of the distance from which orators could be heard at various locations, see Holter *et al.* 2019, esp. 54–7. *et ea uoce* is found only in the lemma to Asconius (HET *ea uoce*) but is thoroughly Ciceronian; cf. §44n. *et audistis uiuo Clodio.* Likewise *exaudire* is found only in Asconius (HET *audire*), but it has the right sense, referring strictly to the physical act of being able to hear (see Berry ad *Sul.* 30). For the extremely common corruption of the compound to the simplex, cf. Clark's note ad §16 *ingemuit,* to which list add §39 *cucurrere(n)t* (T) for *concurreret* and the same error at §91, if *concurrerunt* is correct (further Becher 1913: 60). **si Milonem times:** C. now confronts Pompey's potential fear directly in an emphatically anaphoric series of *si*-clauses; this stands in some tension with the foregoing claim that Pompey could not possibly have been afraid of Milo. **si hunc de tua uita nefarie ... molitum aliquando aliquid putas:** *molior* "labor to bring about, engineer" (*OLD* s.v. 1) is a vivid verb, often used in C. with a negative connotation; cf. *Catil.* 2.1 *pestem patriae nefarie molientem,* 1.5, *Mur.* 6, *Pis.* 5, *Phil.* 14.14. For *si ... aliquando aliquid,* cf. §10n. *in aliquas insidias.* **si Italiae dilectus, ut non nulli conquisitores tui dictitarunt:** Pompey had been empowered to levy troops throughout Italy to resolve the present crisis (Asc. 34C *ut ... dilectus ... Pompeius tota Italia haberet*). *conquisitores* are recruiting officers (*OLD* s.v. 1), notoriously untrustworthy (for the force of *dictitarunt,* cf. §21n. *quod non nulli dictitant*). **haec arma ... Capitolinae cohortes:** the first spoken with a gesture at the surrounding soldiers, the second with a gesture to the top of the Capitoline, which would have stood just above C. (see Map 3). **excubiae ... uigiliae:** both mean "body of soldiers keeping watch," but *excubiae* is a more elevated and poetic word (not found in Caes., Sal., Liv., Vell., Val. Max., or Curt.). C. uses it only in doublets: with *uigiliae* here and at *Planc.* 101 *o excubias tuas, Cn. Planci, miseras, o flebiles uigilias,* with *custodiae* at *Marc.* 32, *Phil.* 7.24. **delecta iuuentus quae tuum corpus domumque custodit:** for Pompey's bodyguard, cf. §61n. *omnia audienti, magna metuenti, multa suspicanti, non nulla credenti.* **armata** agrees with its nearest antecedent, *delecta iuuentus*; cf. §19n. *atqui si ... certe.* The foregoing *arma* seems forgotten. **illa omnia in hunc unum:** the emphatic contrast points up the ridiculousness of the idea. *in* = "against" (*OLD* s.v. 12). **constituta, parata, intenta:** the tricolon in asyndeton completes the high-style language of the protasis of this conditional statement. HV[c] read *constituta,* ET *instituta*; there is not much to choose between, but

constituta is the word more commonly used of arranging military forces (*OLD* s.v. 2). **magna in hoc certe uis:** for the ironically emphatic *certe* in a conditional apodosis, cf. §31n. *certe optabilius Miloni fuit dare iugulum P. Clodio.* Here *uis* means "power" generally (*OLD* s.v. 11, 14). **animus** "courage" (*OLD* s.v. 13). **non unius uĭri uīres:** this pun perhaps occurs only here, underscoring the absurdity of the idea that *illa omnia* are directed against Milo alone. For similar wordplay with variation in quantity, cf. perhaps §105n. *mĭseram si amīserit,* as well as *Att.* 1.16.5 *xxxi fuerunt quos fămes magis quam fāma commouerit, Clu.* 6 *rătio ... ōrātio,* Vell. 2.108.2 *nātione magis quam rătione barbarus;* Vergilian examples collected by Norden ad *Aen.* 6.204 (e.g. *Aen.* 4.238 *pārere părabat*). On such wordplay in C., see Holst 1925; on Latin *paronomasia* more generally, cf. *Rhet. Her.* 4.29 and the censorious Quint. *Inst.* 9.3.69–71. **si quidem:** implying that this of course is not the reason; cf. §28n. *si quidem ... uenturus erat.*

68 omnes tibi rei publicae partes ... ēssĕ cōmmīssās: *omnes* is emphasized by being placed first and separated from *partes; tibi* then cliticizes on this focused word. *aegras* is neatly picked up by *sanares, labantes* by *confirmares.* With *his* C. can again gesture to the surrounding armed guard. Interposing the *ut* clause allows C. to conclude with a cretic-trochee. **Quod si locus Miloni datus esset:** for *quod si,* cf. §9n. *quod si;* for *locus* "opportunity," cf. §4n. *locus ... datus est.* Pompey had refused Milo an audience (on 22 January: Asc. 35C, 51C), and so Milo had had no such opportunity. **probasset profecto tibi ipse:** on C.'s preference for the syncopated *probasset,* cf. §4n. *quae uultu et uerbis saepe significassent;* for *profecto* cf. §2n. *qui profecto nec iustitiae suae putaret esse.* The alliteration is perhaps emphatic. The MSS transmit *ipsi,* but surely the point is not that Milo would have proved it to *Pompey himself,* but rather that *Milo himself* would have proved it to Pompey if he had been given the chance (instead of C. having to do so now). In the rest of the speech C. will frequently ventriloquize his client. **neminem umquam hominem:** *nemo* < **nehemo* < *ne* + *homo,* but *nemo homo* is a pleonasm common in early Latin and still found in C. (though scarcely afterwards: *TLL* VI.3.2884.42–62, H–S 205). The collocation is emphatic, and in C. usually, as here, emphasized further through separation by some intervening word (exception: *Sul.* 25). Here the phrase is also chosen to complement the following *homini;* such juxtapositions are proverbial (*TLL* VI.3.2874.34, to which add *Off.* 3.27 *homo homini*). **nullum se umquam periculum:** emphatic repetition with *uariatio; nullum* is focused by being placed first and separated from *periculum.* It then serves as host to enclitic *se.* **cum illa ipsa taeterrima peste se saepissime pro tua gloria contendisse:** cf. §§38–42. C.'s claim that Milo's struggles with Clodius were on Pompey's behalf seems rather far-fetched,

and it is in any event of less relevance after Clodius' and Pompey's reconciliation following the conference of Luca (cf. §21n. *fuisse illum sibi inimicum*). For *pestis*, cf. §33n. *si leges nominandae sunt ac non faces urbis, pestes rei publicae.* **tribunatum suum ad salutem meam:** cf. §38–9. **se a te postea defensum in periculo capitis:** cf. §40. **adiutum in petitione praeturae:** Milo is surmised to have been praetor in 55 because he was a candidate for the consulship of 52, but we know nothing of his activities in office (*MRR* II.215), nor is anything known for certain of Pompey's assistance in his campaign. But Pompey, elected (together with Crassus) as consul after an interregnum in January 55, presided over the praetorian elections and was credited with using his influence to bring about the election of P. Vatinius over Cato (*MRR* II.214, 216); it thus seems reasonable to suppose that Pompey backed a slate of candidates for the praetorship that included Milo. **duos se habere semper amicissimos sperasse** "there were two men whom he always hoped that he had as the closest of friends." *duos* is focused by its position (it likewise serves as host to *se*); it is then explained by the following *te* ... *me* in apposition. The present infinitive *habere* after a verb of hoping means "he hoped that he had," not "he hoped that he would have" (different is §32 *speraret se posse eludere* with note). **Quae si non probaret** begins a rising tricolon of past contrary-to-fact conditions; for the imperfect subjunctive, cf. §45n. *nisi ad cogitatum facinus approperaret.* **ista suspicio** "that suspicion of yours"; for the usage, cf. e.g. §18 *in eadem ista Appia uia.* **nullo ut euellī mŏdō pōssēt:** fronting *nullo* outside its clause and separating it from *modo* gives it strong focus; cf. e.g. *Fam.* 6.9.1 *hunc ... sic semper dilexi <u>nullo ut cum homine</u> coniunctius uiuerem.* H reads *ut nullo* [so too V^c] *euēllī pōssēt mŏdō*; the phrase and resulting clausula are good either way, but a scribe is more likely to have simplified to *ut nullo* than vice versa. **si denique:** for *denique* capping the third member of a tricolon, cf. §4n. *si umquam.* **sine Milonis clade:** *cladis* here refers pregnantly to a very specific kind of disaster, "exile" (*OLD* s.v. 1b). **ne iste haud dubitans cessisset patria** "indeed he would have left his country without hesitation"; *ne* = "truly, indeed" (~ Gk. νή, ναί; *OLD* s.v. *ne*², K–S I.795–7). This *ne* is virtually always followed by a personal pronoun, *iste*, or *ille*. At first sight *iste* seems very strained when C. is addressing Pompey (cf. the foregoing *ista suspicio*), which prompted Madvig 1877a: 750 n. 2 (and independently Clark) to propose *ipse* ("of his own accord"), but *ne ipse* is never found. The humanist conjecture *ille* is more plausible, but elsewhere in this speech *ille* = *Clodius* (cf. §12n. *huius ambusti tribuni plebis*). The transmitted *iste*, however, can occasionally refer to one's own client (*TLL* VII.2.500.33–50), and it may be used here in the sense of "that wretched man"; moreover, *ne iste* is simply an idiomatic fixed phrase (and *ne hic* is not Latin). Cf. *Clu.* 201, where *ne iste*

in reference to C.'s client immediately follows *hunc*: *si qua calamitas hunc in hoc iudicio afflixerit innocentem, ne iste miser … saepe et multum queretur.* In C. *haud* occurs about a hundred times, but fifty-five of those are *haud scio* (*sciam*); he seems to have grown somewhat fonder of the word in the decade 59–50 BC (Parzinger 1912: 35–7). *haud* is often combined with intensifying or confirming adverbs like *ne* (K–S 1.814–15); cf. e.g. *Tusc.* 1.99 *ne ego haud paulo hunc animum malim, Fam.* 7.1.3 *ne tu haud paulo plus, Att.* 7.3.2 *ne tu haud multum.* **qui ita natus est et ita consueuit:** i.e., he is so by nature and by nurture. **te, Magne, tamen ante testaretur** "he would nevertheless first make an appeal [*OLD* s.v. *testor* 1c] to you, Pompey." Fronting *te* with the following vocative gives it strong focus; the alliteration may be emphatic. Only here in this speech does C. address Pompey by his cognomen (cf. §2n. *sed me recreat et reficit Cn. Pompei … consilium*), an emotional climax that looks most plausible as a part of the delivered speech. The imperfect subjunctive of *testaretur* is perhaps more vivid than the pluperfect would have been; cf. *NLS* §199. **quod nunc etiam facit:** probably meant generally, i.e., not implying that the following paragraph represents Milo's own words spoken through C.

69 **uides quam sit uaria uitae commutabilisque ratio, quam uaga uolubilisque fortuna:** marked alliteration adds force to these commonplace sentiments; for the proverbial fickleness of fortune, see Otto 694. *commutabilis* ("liable to change") may be a technical term of philosophy; outside of C. it hardly occurs until late antiquity (9x in C., 1x in Quint.). **infidelitates … timiditates:** the abstract plurals refer to repeated instances of unfaithfulness and cowardice (Lebreton 34). **ad tempus aptae simulationes** "deceptions to suit the needs of the moment [*OLD* s.v. *tempus* 10c]." **quantae in periculis fugae proximorum, quantae timiditates:** some critics have been troubled by the balance of these two phrases, proposing either to take *proximorum* with *quantae timiditates* (a perverse disruption of parallelism) or to delete it altogether. In fact the first phrase would seem incomplete without specifying the deserters, and both *in periculis* and *proximorum* can then be understood with *timiditates,* whose bareness provides an emphatically thudding conclusion. For the rhetorical structure more generally, cf. §61n. *quae magnitudo animi, qui uultus, quae oratio.* **erit, erit illud profecto tempus et illucescet ille aliquando dies:** the high rhetoric continues; for the form, cf. §21n. *Non fuit … profecto non fuit cur.* Alliteration and a desire for parallelism may have influenced the word order of *ille aliquando dies.* This prediction proves eerily accurate, but it cannot have been inserted after the outbreak of civil war; C. could not make changes to his works once they had entered circulation, and

we know that Milo had received the published version before the civil war (Dio 40.54.3). After a decade of upheaval it would not have taken a prophet to foresee more of the same. The menacing tone seems somewhat surprising if this was part of the delivered speech. **saluis, ut spero, rebus tuis** "with your good fortune, I hope, intact." For *saluis*, which is idiomatic (cf. e.g. *Fam.* 4.1.1, 7.30.3) and gives the right meaning, the MSS transmit *salutaribus*, which is only found in an active sense ("promoting well-being"), or *salubritatibus*. It is admittedly hard to see why the simple *saluis* would have been corrupted. One might consider something like *saluis familiaribus, ut spero, rebus tuis,* which would set private and public in opposition (*communium temporum* follows), but this seems unnecessarily limiting. For *ut spero*, cf. §66n. *ut intellego.* **in motu aliquo communium temporum** "in some upheaval of public affairs"; cf. *Flac.* 94 *uidetis quo in motu temporum, quanta in conuersione rerum ac perturbatione uersemur.* For *communium temporum*, cf. *Dom.* 46 *inclinationem communium temporum* (sim. *Balb.* 59), *Fam.* 3.11.4 *ad me quasi formam communium temporum et totius rei publicae misisti expressam.* Luterbacher 1902: 120 suggested transposing *in* from after *aliquo* in ET, where it is nonsensical, to before *motu* (i.e. *in* = "in [where circumstances explain or support the action]," *OLD* s.v. *in* 40b). Admittedly the preposition is not necessary and could simply be omitted (as in H). **qui quam crebro accidat experti scire debemus** "we who have experienced such upheavals ought to know often they occur"; C. can allude both to his own exile and to the general political climate of the late Republic. **et ... et ... et:** an ascending tricolon of praise introduced by connective anaphora; the third-person references to Milo and the extravagant praise make these words more likely C.'s than Milo's, but of course even if they are "Milo's" they are still C.'s. **unius post homines natos fortissimi uiri:** the force of the superlative *fortissimi uiri* has faded because of its use as a stock phrase (cf. §1n. *pro fortissimo uiro*; this also accounts for the change to *uiri* from the foregoing *hominis*); here it is reactivated by the emphatic *unius* (K–S II.477–8) and *post homines natos* (cf. e.g. *Dom.* 23 *homini post homines natos turpissimo, TLL* X.2.169.43–6). Cf. §77 *unum post hominum memoriam.* **desideres:** the indicative is generally used in a temporal *cum*-clause referring to the future, but the subjunctive is used to describe the kind of time ("a time of such a sort when"): A–G §535a n. 3, K–S II.332.

70 **Quamquam** "and yet"; cf. §6n. *Quamquam.* **quis hoc credat** "who would believe?" Here C. turns away from Pompey to address the jurors once more. *hoc* points to the following accusative with infinitive; *credat* is potential subjunctive (*NLS* §119). **iuris publici, moris maiorum, rei denique publicae peritissimum:** an ascending tricolon of ostensible praise

capped by *denique* (cf. §4n. *si umquam*). Berry 1993b argues that these words must be ironic, as Pompey was not known for his legal acumen; he thinks the sentence was added to the written speech as a jibe at Pompey after Pompey clumsily violated his own law by trying to submit a *laudatio* for Plancus in his trial of January 51 (*TLRR* 327; see Introduction p. 44). Cato, one of the jurors in that trial, embarrassed Pompey by reading out the law in open court (Val. Max. 6.2.5, Plut. *Cat. min.* 48.4, *Pomp.* 55.5). Irony is very possible, but not all will agree: at *Balb.* 2, 14–16 we find apparently sincere praise of Pompey's legal knowledge, and Pompey did create the law *de ui* under which this trial was being held. C.'s praise may also be generic; these are qualities necessary for success in public life (cf. *De orat.* 1.48 *neque enim sine multa pertractatione omnium rerum publicarum neque sine legum, morum, iuris scientia ... satis callide uersari et perite potest* [sc. *orator*]). *ius* is commonly juxtaposed with *mos* (e.g. *Balb.* 30 *periti ... nostri moris ac iuris*), and *iuris* (*publici*) *peritus* is a stock phrase (*Balb.* 34 *sapientes homines et publici iuris periti*, *TLL* x.1.1503.48–52). On C.'s references to the *mos maiorum* and *maiores*, fundamental building blocks of Roman identity and values which C. can manipulate for rhetorical gain, see Kenty 2016; further e.g. Roloff 1938, Blösel 2000: 68–85, Salvadore 2014 (cf. too §59 *sed tamen maiores nostri in dominum quaeri noluerunt*). **ut uideret ne quid res publica detrimenti caperet:** the words of the so-called *senatus consultum ultimum*, on which see §8n. *L. Opimius*; cf. e.g. *Catil.* 1.4 *decreuit quondam senatus uti ... consul uideret ne quid res publica detrimenti caperet* with Dyck. **uersiculo** "little line" (*OLD* s.v. 1), as often in C.; the meaning "brief line of verse" is a secondary development that later comes to predominate (sim. *uersus*). **nullis armis datis:** i.e., Pompey would not have needed an army to deal with Milo; perhaps an invidious implied comparison with C.'s own consulship. Pompey had been specifically instructed to raise an army (Asc. 34C; despite Sal. *Cat.* 29.3, such powers may not have already been entailed by the *senatus consultum ultimum*: Drummond 1995: 79–88). **hunc** = *Pompeium*; such repetition for clarity and emphasis is common after a long interruption of the construction (K–S I.625). **iudicium exspectaturum fuisse** "would have waited for a court's decision," *sc.* if he'd believed that Milo had to be suppressed. *exspectaturum fuisse* = *exspectauisset* in direct speech (*NLS* §§280–1); Latin makes a sort of compromise to squeeze both the past and conditional ideas into one infinitive form. **in eius consiliis uindicandis qui ui iudicia ipsa tolleret** "in punishing the plans of a man who would overthrow those very courts by main force"; cf. *Red. Pop.* 19 (quoted in §38n. *cuius uis omnis haec semper fuit*). *tolleret* is subjunctive in a relative clause of characteristic, which also allows C. to distance himself from the idea that Milo

could possibly be such a man. *consilium uindico* is not common (elsewhere only Paul. *Sent.* 5.4.8), but it is not suspicious. **satis iudicatum est a Pompeio, satis:** C. shifts from the judgment of a court to the judgment of Pompey himself. For the emphatic repetition of *satis*, cf. §21n. *Non fuit ... profecto non fuit cur.* **falso** "falsely," the standard adverbial form of *falsus* from a fossilized ablative. **ista** "those accusations." A vague word used here with some contempt but with no second-person reference, as C. is addressing the jurors. **qui legem tulit:** cf. §§15–22. **qua, ut ego sentio, Milonem absolui a uobīs ŏpōrtērēt, ut omnes cōnfĭtēntūr, lĭcērēt:** precise parallelism points the contrast. *ego* strongly marks C.'s own personal opinion; it is contrasted with *omnes*. Rhyme and pretty rhythms further bind together the ideas. These may be result or purpose clauses (the latter expressing Pompey's intent in passing the law).

71 quod uero ... satis declarat se: "but the fact that ... shows clearly that he." If the text is right (*se* not *eum*), there is probably a slight looseness in construction here. C. returns to the themes of the *exordium*; one might wonder if this is the lead-in to the *peroratio* of the delivered speech. **in illo loco ... sedet:** while addressing the jurors, C. gestures to Pompey's position on the steps of the Temple of Saturn. **illis publicorum praesidiorum copiis circumfusus:** *circumfundo* can have as object the thing being "poured around" or the thing around which something is being poured, here the latter (i.e. *circumfusus* = "surrounded," *OLD* s.v. *circumfundo* 5b). This sense is used in particular of military forces; cf. e.g. Liv. 22.4.5 *Poenus ... circumfusum suis copiis habuit hostem.* For *publicorum praesidiorum*, cf. §61n. *publicis praesidiis* and the *exordium.* **se non terrorem inferre uobis ... sed praesidio esse:** cf. e.g. §2 *non illa praesidia ... non afferunt ... oratori terroris aliquid*, §3 *cohortes non periculum nobis, sed praesidium denuntiant.* Here *uobis ... praesidio* is a double dative. **cogere ut:** *cogo ut* is unexceptionable but much less common than *cogo* + accusative + infinitive in classical writers (*TLL* III.1531.14–15, K–S II.220). C. may have wished to avoid a pile-up of infinitives. **in quem animaduertere ipse ... posset:** C. again emphasizes that Pompey would not have needed a jury trial if he had simply wanted to condemn Milo; therefore Pompey must not have simply wanted to condemn Milo. Either *posset* ("could have") or *possit* ("could") is possible, but the latter is found only in V^c. **contra hesternam illam contionem:** cf. §3n. *hesterna etiam contione.* **licere uobis quod sentiatis libere iudicare:** this feels like part of a *peroratio*; cf. §105 *uos oro obtestorque, iudices, ut in sententiis ferendis, quod sentietis, id audetis.* Although certainty is impossible, it is a reasonable hypothesis that the rest of the speech was added in revision.

PARS EXTRA CAVSAM (§§72–91)

C. now dramatically changes argumentative tack. He has thus far focused on proving the claim that Clodius set an ambush for Milo, and so Milo's killing of Clodius was justified self-defense. Here, by contrast, he argues that even if Milo had deliberately killed Clodius, the killing *still* would have been justified. While notionally phrased as a hypothetical scenario, this argument seems to undercut the speech up until this point, and it seems likely to be a post-trial addition to the published speech (see Introduction pp. 37–44). Throughout this section C. uses high style and concentrates on appeal to emotion, not reason, interweaving a variety of approaches from *prosopopoeia* to references to optimate politics. The line dividing C. the advocate from Milo the client is frequently and deliberately blurred. The "label" *pars extra causam* is taken from C. himself (§92), although he did not intend it as a technical term (cf. *Dom.* 32).

72 **Nec uero me, iudices, Clodianum crimen mouet:** emphatic repetition and resumption of §67 *non iam hoc Clodianum crimen timemus.* There C. had turned to Pompey; here he turns to the jurors. For the adjective *Clodianum,* cf. §62n. *necis Clodianae.* **nec tam sum demens:** the word order, overcoming the tendency of *esse* to attach to negatives, shows that *tam* is focused (*tam* is often separated from adjectives in order to carry the focus: Löfstedt II.397–404); cf. e.g. *Flac.* 59 *neque tam fuerunt impudentes, Pis.* 20 *neque tam fui timidus, De orat.* 3.124 *neque tam est acris acies* (sim. e.g. *Att.* 11.9.1 *nec in ulla sum spe*). Otherwise e.g. *Sest.* 119 *non sum tam ignarus, iudices, causarum,* §78 *num quis igitur est tam demens.* **tamque uestri sensūs ignarus atque expers:** *expers* "lacking knowledge of" (< *ex-* + *pars*). For the emphatic doublet, cf. *Sest.* 47 *tam eram rudis, tam ignarus rerum, tam expers consili aut ingeni?, Phil.* 2.7. While *atque* usually adds emphasis to the second term ("X and, what is more, Y"), here it joins a pair of terms on equal footing (*OLD* s.v. 10; opposite order at *De orat.* 2.1 *omnis eruditionis expertem atque ignarum*); the choice of conjunction is perhaps influenced by the immediately foregoing *tam ... tamque,* which precluded another *-que.* **quid de morte Clodi sentiatis:** a direct link to the preceding §71 *quod sentiatis.* The word *sentio* means both generally "feel about" (*OLD* s.v. 6) and specifically "give a vote or verdict" (*OLD* s.v. 7). **si iam ... tamen:** in concessions, *iam* can mean "(now) going beyond other arguments that might be made," a usage not adequately treated by the lexica (*OLD* s.v. 7d); cf. e.g. *Balb.* 37 *quod si iam ita esset ... tamen de nostra maiestate, nihil de illorum caueretur, Agr.* 2.85, *Har.* 2 (discussion in Madvig ad *Fin.* 4.66, Munro ad Lucr. 1.968). **diluere crimen** "to refute the charge," a technical term of rhetoric more common than implied by the

OLD (s.v. *diluo* 4); cf. e.g. *Rhet. Her.* 4.47 *accusatoris officium est inferre crimina; defensoris diluere et propulsare* (further *TLL* v.1.1189.29–64). Literally *diluo* means "dissolve and carry away." **impune** "scot-free," legal language often with a negative tinge which is here put to positive use (cf. §6n. *impune*). **palam clamare ac mentiri gloriose:** an emphatic doublet in chiastic arrangement; despite the notional phrasing of this as a contrary-to-fact condition, C. is bold in making his claim. As his argument develops, the brief conditional introduction is soon forgotten. Elsewhere, when C. wants to introduce hypothetical boasting about a crime, he is much more concerned to make clear that his client did not do it: cf. *Rab. Perd.* 18–19 *utinam hanc mihi facultatem causa concederet ut possem hoc praedicare, C. Rabiri manu L. Saturninum, hostem populi Romani, interfectum ... libenter, inquam, si uere possem aut etiam si mihi esset integrum, C. Rabiri manu L. Saturninum esse occisum, et id facinus pulcherrimum esse arbitrarer,* 31 *"at occidit Saturninum Rabirius." utinam fecisset! non supplicium deprecarer sed praemium.* Here Milo's lie would be "glorious" (not "boastful": *OLD* s.v. *gloriose* 2); for similar paradoxes, cf. e.g. *Lig.* 16 *honesto et misericordi mendacio,* Hor. *Carm.* 3.11.35 *splendide mendax,* Ov. *Met.* 9.711 *piā mendacia fraude,* Tac. *Hist.* 4.50.2 *egregio mendacio.* **occidi, occidi:** C. ventriloquizes Milo, putting into his mouth a hypothetical speech that damns Clodius in the blackest terms. So begins one of the longest sentences in C. (§§72–5; cf. e.g. *Phil.* 14.36–8 [slightly shorter] and *Ver.* 5.184–9 [longer], both of which occur at the end of a speech), in which C.'s own voice and thoughts blend together with "Milo's" hypothetical words as vocalized by C. The sentence's extreme length may be a piece of evidence that it was added in revision, not delivered in court. But although the sentence is very long, its structure is very clear, with a number of parallel clauses describing Clodius' depravities. For the emphatic and emotional opening *geminatio,* cf. §21n. *Non fuit ... profecto non fuit cur.* Parallel to the change in argumentative strategy is the marked change in how the killing is described: no longer bland and euphemistic descriptions that deflect responsibility away from Milo (cf. e.g. §29 *fecerunt id serui Milonis ... quod suos quisque seruos in tali re facere uoluisset*) but rather the graphic and repeated first-person *occidi* (cf. §29n. *occisi sunt*). **non Sp. Maelium:** see §8n. *Ahala ille Seruilius.* C. compares Clodius to *popularis* bogeymen from the Roman past, whose crimes are made to seem small by comparison with Clodius' enormities. As all the so-called *boni* (cf. §5n. *pro bonis contra improbos*) would agree that men like Sp. Maelius were justly killed by optimate champions, so much more must they agree that Clodius met a just end at the hands of the "optimate" Milo. C. is only concerned with appealing to and persuading the *boni*; Clodius' followers and the *populares* more generally would disagree, especially about the justice of Ti.

Gracchus' death. **annona leuanda iacturisque rei familiaris** "by lowering the price of grain [*OLD* s.v. *annona* 4] and squandering his personal fortune [*OLD* s.v. *res* 1d]." The price of grain was a key *popularis* issue in C.'s day; according to our historical sources, it was a major issue in the early Republic as well, although this may be an anachronistic retrojection of contemporary concerns (cf. Northwood 2006 with defense of the sources). **quia nimis amplecti plebēm uĭdēbātūr** "because he seemed to be courting favor [*OLD* s.v. *amplector* 6b] with the people to an excessive degree." This could be an explanatory gloss, but it adds point to the preceding clause, it makes Maelius' crime seem mild in comparison with those of Clodius, and the clausula and language are Ciceronian; cf. e.g. *Phil.* 7.21 *an equites Romanos amplectetur?* **in suspicionem incidit regni āppĕtēndī** "he fell under suspicion of aiming at kingship." The word order is not solely for the sake of the clausula (*āppĕtēndi īncĭdīt* is good too), and so perhaps it draws attention to the wickedness of seeking to be king, a charge C. had earlier leveled at Clodius too (cf. §43n. *cum se ille interfecto Milone regnaturum putaret*). In C.'s eyes kingship (extrajudicial rule) is the ultimate goal of *popularis* politicians. **Ti. Gracchum:** see §8n. *P. Africanum ... C. Carbone ... Ti. Gracchi.* **qui collegae magistratum per seditionem abrogauit:** when the tribune Marcus Octavius (*RE* 31) refused to withdraw his veto of Gracchus' land redistribution bill in 133 BC, Gracchus eventually introduced a bill to deprive him of his tribuneship, which the tribal assembly duly passed (Plut. *TG* 10–12; other sources collected in Riecken 1911: 132–51, Greenidge and Clay 1960: 6–7). **quorum interfectores implerunt orbem terrarum nominis sui gloria:** Sp. Maelius was killed by Servilius (*RE* 32) Ahala (cf. §8n. *Ahala ille Seruilius*), Ti. Gracchus by a mob of senators led by Publius Cornelius (*RE* 354) Scipio Nasica Serapio (cf. §8n. *P. Nasica*). Both *orbis terrae* (in C. 26x) and *orbis terrarum* (in C. 48x) seem to be used without distinction to mean "the world" (*TLL* IX.2.914.68–915.22). For the idea, cf. e.g. Liv. 1.2.5 *tanta opibus Etruria erat ut iam non terras solum sed mare etiam ... famā nominis sui implesset.* **sed eum ... cuius nefandum adulterium in puluinaribus sanctissimis nobilissimae feminae comprehenderunt:** C. moves now to describe Clodius, the worst of *popularis* politicians; anaphoric *eum* introduces each description of the dastardly details. Here is yet another reference to the Bona Dea scandal (see Introduction pp. 2–3). The *puluinar* was literally "a cushioned couch, one of several on which images of gods were placed at a *lectisternium*" (*OLD* s.v. 1; further van den Berg 2006). A *lectisternium* (< *lectus* + *sterno*), in turn, was a sacrificial meal for the gods; the feast of the Bona Dea took this form (Brouwer 1989: 366, 369). There is some rhetorical slippage here, as the word *puluinar* can by metonymy refer to the entire *lectisternium* (*TLL* X.2.2623.55–66); i.e., C. can imply

that Clodius was literally caught on the sacred couches with Caesar's wife *in flagrante delicto* (cf. *OLD* s.v. *comprehendo* 6c), while also plausibly just meaning that the act was to take place during the feast (for a similar slippage at *Phil.* 2.210, cf. van den Berg 2006: 242–8). C. delights in making this charge: cf. *Har.* 8 *eum qui puluinaribus Bonae Deae stuprum intulerit, Pis.* 95 *cum stuprum Bonae Deae puluinaribus intulisset.* **auderet enim dicere:** C. interrupts "Milo's" speech for an interjection of his own, reminding the audience of who is notionally speaking here. **cum patriam periculo suo liberasset** "since he had freed the fatherland at his own risk"; for *periculo suo*, cf. §41n. *quem ... periculo capitis non dubitauit occidere?*, §63n. *cum suo periculo salutem populo Romano attulisset.*

73 **eum cuius supplicio senatus sollemnes religiones expiandas saepe censuit:** loosely, "a man whose punishment the senate often decreed necessary for purifying the sacred rites [*sc.* that he had defiled]." This is tendentious at best: the senate voted twice to try Clodius for *incestum* (evidence and discussion in Balsdon 1966: 70, Tatum 1999: 72–80), but on C.'s own argument in this speech, such a decision and such a special tribunal are hardly tantamount to condemnation (cf. §§12–22). In any case, Clodius was acquitted and never faced punishment at all. The repeated *s*-sounds are perhaps contemptuous. *sollemnis* (etymology unknown) means "performed in accordance with the forms of religion" (*OLD* s.v. 1; cf. §27 *iter sollemne*); *religio* here refers concretely to religious rites and cult (*OLD* s.v. 9–10). **eum quem cum sorore germana nefarium stuprum fecisse L. Lucullus iuratus se quaestionibus habitis dixit comperisse:** there is little evidence to support the common claim that accusations of incest are a stock topic of Roman invective; in fact it seems that C.'s repeated allegations of Clodian sibling-incest are specific, consistent, and unique (Kaster 2006: 409–11; extensive discussion in Harders 2008: 234–48). While the more famous case of Clodius' supposed incest is that with his older sister, Clodia Metelli (cf. e.g. *Cael.* 32 *mihi inimicitiae cum istius mulieris uiro – fratrem uolui dicere; semper hic erro* with Dyck), the reference here is to his youngest sister, the wife of L. Licinius (*RE* 104) Lucullus (*ca.* 118–57/56, cos. 74), one of the most prominent and successful generals of the late Republic and an optimate politician. (*germana* "full sister" emphasizes the crime and probably is not used to distinguish Clodia Luculli from Clodius' other sisters: see Kaster 2006: 409 n. 1). This relationship is likewise attested at Plut. *Cic.* 29.4 (cf. *Luc.* 34.1, *Caes.* 10.6), where Lucullus is said to have produced the slave testimony (*quaestionibus habitis* here refers to slave evidence given under torture; cf. §57n. *Cur igitur eos manu misit?*) at Clodius' trial after the Bona Dea affair, some five years after he had divorced Clodia upon his return to Rome from the

East (Plut. *Luc.* 38.1; cf. *Har.* 39, 42). (The connection with the Bona Dea perhaps influenced C.'s decision to mention this Clodia in the present context.) One can easily imagine that the divorce was in response to Clodius' fomenting sedition in Lucullus' army and angling (successfully) for Pompey to replace Lucullus as commander in the Third Mithridatic War (cf. e.g. Plut. *Luc.* 34–5) and that later, when Clodius was on trial for other sexual offenses, Lucullus conveniently added this charge. The language is certainly careful: Lucullus swore only that he had "found out" from slave testimony (cf. §67n. *omnia falsa atque insidiose ficta comperta sunt*), and of course under torture slaves might well say whatever they thought their torturer wanted to hear (cf. §60n. *Clodius insidias fecit Miloni?*). This "sworn testimony" could then furnish the basis for C.'s similar slanders against Clodia Metelli. *iuratus* is regularly used in a "middle" sense ("being under oath," *OLD* s.v.). **eum qui ciuem ... seruorum armis exterminauit:** the *ciuis* is C. himself; cf. §§36–7. The mention of armed slaves is somewhat overheated, but C. uses similar language elsewhere (cf. e.g. *Pis.* 23 *cum ciuis is quem hic ordo assentiente Italia cunctisque gentibus conseruatorem patriae iudicarat ... seruitio atque armis pelleretur*), and it contrasts neatly with the foregoing *senatus ... populus Romanus ... omnes gentes*. Clodius in fact drove C. from Rome by passing a bill that banished anyone who had put a citizen to death without trial (cf. e.g. Vell. 2.45.1; further Tatum 1999: 153); C. then fled before he could be tried (cf. e.g. Plut. *Cic.* 34, Bellemore 2008). But Clodius was using armed slaves to intimidate potential opposition: cf. e.g. *Dom.* 54, 110, *Sest.* 34 with Kaster, *Pis.* 11, Plut. *Cic.* 30; further §26n. *quibus siluas publicas depopulatus erat Etruriamque uexarat.* **quem senatus, quem populus Romanus, quem omnes gentes urbis ac uitae ciuium conseruatorem iudicarant:** an ascending tricolon proceeding from the smallest and most elite group to the whole world, with anaphoric *quem* keeping the focus squarely on C. As Seneca memorably put it, C. reminded listeners of how he had saved the city and its citizens from the Catilinarian conspiracy *non sine causa sed sine fine* (*Dial.* 10.5.1), and he often repeated (or perhaps paraphrased) the words of the senatorial decree declaring him *conseruator*: cf. e.g. *Pis.* 23 (quoted in the previous note), 34, *Dom.* 26, *Har.* 58. For Ciceronian self-praise and its cultural context, cf. §36n. *meis consiliis periculisque seruatos.* For *omnes gentes*, cf. §19n. *si unus ille occidisset ... gentes omnes concidissent.* The collective singular *uitae* in reference to a plural possessor (*ciues*) is common in Latin with both abstract and concrete nouns: cf. e.g. §4 *quae uultu et uerbis saepe significassent*, §79 *quid uultu extimuistis?*, *Leg.* 1.27 *quem ad modum animo affecti simus*, K–S 1.78–9, Lebreton 36. Here one might imagine that it underscores the unity of the citizen body, but it may simply be chosen to parallel singular *urbis* and because *uitarum ciuium* sounds

awkward. **qui regna dedit ademit, orbem terrarum quibuscum uoluit partitus est:** as tribune Clodius passed laws that gave the title of king to Brogitarus of Galatia, deposed Ptolemy (illegitimate son of Ptolemy IX Soter and brother of Ptolemy XII Auletes, ruler of Egypt) from the throne of Cyprus, where he sent Cato, and assigned the provinces of Macedonia and Cilicia to the consuls Piso and Gabinius: sources and discussion in Kaster ad *Sest.* 55–6, 62–3. In the phrase *dedit ademit* ("he gave and took away"), the verbs are placed in contrasting asyndeton and so printed without punctuation; cf. e.g. *Phil.* 2.78 *isti redisti* (K–S II.151). **qui plurimis caedibus in foro factis singulari uirtute et gloria ciuem domum ui et armis compulit:** this *ciuis* is Pompey: cf. §18. Stress is yet again laid on Clodius' violence. There could be some irony in describing the singularly brave Pompey as forced to hide out in his house, although C. refers to this retreat of Pompey's in a number of speeches (already at *Red. Sen.* 4). **cui nihil umquam nefas fuit nec in facinore nec in libidine** "to whom nothing was ever off limits in either criminal or sexual misdeed." *facinus* (*OLD* s.v. 2) and *libido* (*OLD* s.v. 3) are not usually juxtaposed in this way (elsewhere perhaps only at Liv. 39.18.3 *nefanda coniuratio in omne facinus ac libidinem*), but C. wishes to emphasize Clodius' particular sexual misdeeds in addition to his general criminal activity. For a similar conceit, cf. §43 *ut eum nihil delectaret quod aut per naturam fas esset aut per leges liceret.* While in Latin two negatives usually make a positive, a general negative (*nihil*) is reinforced, not canceled, by further specifying negatives (*nec ... nec*); cf. e.g. *Off.* 1.4 *nulla enim uitae pars neque publicis neque priuatis neque forensibus neque domesticis in rebus ... uacare officio potest,* K–S I.827. **qui aedem Nympharum incendit ut memoriam publicam recensionis tabulis publicis impressam exstingueret:** the *aedes Nympharum,* a storehouse for some kind of public records (*memoriam publicam ... impressam*), had certainly been burned by April 56 (*Cael.* 78), and perhaps by March (if *Sest.* 84, 95 refer to this fire). (It seems likely that the reference to temples burning at *Red. Sen.* 7 and *Red. Pop.* 14 [*Red. Sen.* delivered on 5 September 57, *Red. Pop.* probably shortly thereafter] is to something else, because C. makes no mention of this fire in *Dom.* [delivered on 29 September 57].) The temple's precise location and function are unknown: an inscription seems to indicate that it stood in the Campus Martius (*Inscr. Ital.* XIII.2.31 *Nymp]his in Camp(o)*), and as we are told that it contained some sort of census records, it has been suggested that it may have been near the Villa Publica, where the census was taken, perhaps somewhere along the Porticus Aemilia (*NTDAR* 269). Nicolet 1976, on the other hand, identified it with the remains of a temple uncovered in 1938 on today's Via delle Botteghe Oscure, but this temple may in fact have been consecrated to the Lares Permarini (evidence for both views in *LTUR* III.350–1). The

presumed reason for the fire will depend on the presumed function of the temple: Nicolet 1976: 42–4 argued that the rare word *recensio* (elsewhere only at Suet. *Jul.* 41.3 and in late Latin) in fact refers to records of beneficiaries of free grain distribution, which Pompey, placed in charge of the *annona* in the fall of 57 (cf. §38n. *L. Caecili ... oppugnata domo*), could have been about to revise in the spring of 56 (cf. Dio 39.24.1, where the revision is placed later in the year). If Pompey wanted to reduce the number of recipients to ease the burden on the treasury, Clodius may have wanted to fight for the beneficiaries of his earlier tribunician bill to distribute grain free of charge (for the bill, see *MRR* II.196): Nicolet 1976: 46, Benner 1987: 120–1. More tempting still is the suggestion that the temple was burned down in the course of general rioting over Pompey's reforms to the grain dole, and that any strategic vision is simply C.'s spin (Tatum 1999: 211; cf. the burning of the Curia during Clodius' "funeral"). But certainty is impossible, and *recensio* may refer to traditional census records, with the implication that Clodius wants to reapportion the tribes (cf. *Cael.* 78, quoted below); even if that understanding is correct, the conflagration could have been accidental. C. claims elsewhere that Sextus Cloelius set the fire (*Cael.* 78 *Sex. Cloelius ... qui aedes sacras, qui censum populi Romani, qui memoriam publicam <u>suis manibus</u> incendit*), which must be right: if Clodius himself had done it, C. never would have dragged in Cloelius. Thus C.'s attribution of the deed to Clodius here and at *Parad.* 31 (*aedis Nympharum <u>manu tua</u> deflagrauit*, so too presumably *Har.* 57) is surely an exaggeration. The play on literal *incendo* and metaphorical *exstinguo* is neat; cf. (less cleverly because only metaphorical) *Phil.* 13.15 *incensi omnes rapimur ad libertatem recuperandam; non potest ... tantus senatus populique Romani ardor <u>exstingui</u>*, *Att.* 9.1.3 *odia improborum rursus in nos, quae iam <u>exstincta</u> erant, <u>incendamus</u>.*

74 **eum denique:** *denique* seems to cap the series of clauses introduced by *eum* in anaphoric asyndeton with a general conclusion (cf. §20n. *agri denique ipsi*), but in fact leads in to a whole new series of charges concerning Clodius' private property crimes. **nulla lex ... nullum ciuile ius, nulli possessionum termini** "no statute ... no code of civil law, no property boundaries," an anaphoric tricolon representing the three foundations of social order: statute, legality, and private property. In general, *lex* (singular) is a written statute (*OLD* s.v. 2), while *ius* refers to a body of law, which is derived from both written statutes and other sources (cf. e.g. *Rhet. Her.* 2.19 *ius ... constat ... ex his partibus: natura, lege, consuetudine, iudicato, aequo et bono, pacto*). *ius ciuile* ("civil law," *OLD* s.v. *ciuilis* 3) is specifically the body of law that applies to Roman citizens, as opposed to *ius gentium* or *ius naturale*. With these words C. moves away from Clodius' public offenses toward

his civil crimes. **calumnia litium** = *calumniosis litibus*, an emphatic form of expression in which the noun can carry more emphasis than an adjective would (K–S 1.241); loosely "legal chicanery" or "frivolous lawsuits" (*calumnia* lit. "the bringing of a false accusation": *OLD* s.v. 1). **iniustis uindiciis ac sacramentis** "unjust claims to ownership and deposits." Clodius preferred force to the law courts. Under a *legis actio sacramento*, the most common procedure in a legal dispute over property, the praetor gave preliminary possession to one of the claimants until a judge could rule (*uindiciae*); the *sacramentum* was a sum deposited under oath by each litigant in support of his claim, which the loser forfeited to the state (see Greenidge 1901: 52–5, du Plessis 2010: 67). **castris, exercitu, signis inferendis:** a tricolon of military language; *signa* are military standards (*OLD* s.v. 10), and *signa infero* "advance [*sc.* to attack]" (*OLD* s.v. *infero* 2). **Etruscos:** for Clodius' relationship with Etruria, cf. §26n. *quibus siluas publicas depopulatus erat Etruriamque uexarat.* **hunc P. Varium ... pellere possessionibus armis castrisque conatus est:** *hunc* is deictic, gesturing (or "gesturing," if this was not part of the delivered speech) to Varius on the court benches. Of Varius (*RE* 4) nothing further is known, unless perhaps he is the debtor mentioned at *Att.* 1.3.3 (= *RE* s.v. *Varius* 3); the absence of any honorific epithet here may imply that he is a *tribunus aerarii*. Driving someone from their property was a serious crime that fell under the edict *de ui armata*, on which see in detail Frier 1985: 52–7, 171–83. With *possessionibus*, however, C. may be deliberately ambiguous (for *possessionibus pellere* et sim., see *TLL* x.2.100.52–63): ordinarily *possessio* means "occupancy" as opposed to "ownership" (*OLD* s.v. 1), although in the plural the word can shift into "estates" (*OLD* s.v. 3, i.e. "that which is held by occupation"). While the edict may apply either way – in *Caec.* 91–3 C. argues, perhaps casuistically, that it did not require ownership (further Frier 1985: 171–83) – C. would doubtless prefer to imply that Varius owned the property in question. The reference to Varius here and to Furfanius in the following section could indicate that these passages were added in revision, although they may have been extempore improvisations: C. could not have known until the trial's final day that they would be jurors (see Introduction p. 13). **qui cum architectis et decempedis uillas multorum hortōsquĕ pĕrăgrābāt:** a humorously exaggerated image of Clodius' greed and sense of entitlement: he roamed about (*peragrabat*) people's country and suburban properties (*uillas* and *hortos* respectively: cf. §65n. *Pompeio nuntiatur in hortos*) with an entourage of personal architects in tow. The *decempeda* ("ten-foot measuring rod," < *decem* + *pes*) was an instrument used in Roman land-surveying: cf. Balb. *grom.* p. 95 Lachmann *decempeda, quae eadem pertica* ["pole"] *appellatur, habet pedes x.* The doublet joined by *-que* avoids a hexameter ending and secures an *esse uideatur*–type

clausula; cf. §23n. *ut aliquando ad causam crimenque ueniamus.* **qui Ianiculo et Alpibus spem possēssīōnūm tērmīnābāt sŭārūm:** i.e., Clodius wanted to possess the whole of Etruria and even beyond (Etruria = the region between the Tiber and the Apuan Alps, although *Alpibus* here doubtless refers to *the* Alps, separating off Cisalpine Gaul). Prose rhythm is not the reason for the separation of *possessionum* from *suarum* (*tērmīnābāt* and the end of *possēssīōnūm* have the same metrical shape); the order perhaps emphasizes *suarum.* There is no reason to prefer *terminarat* (P) with Clark: the imperfect provides the expected description of a continuous state in past time (cf. Pinkster 2015: 416), like preceding *peragrabat.* **ab equite Romano splendido et forti, M. Paconio:** Paconius (*RE* 3) is not otherwise known. *splendidus* ("illustrious") is the stock honorific for Roman *equites* (*OLD* s.v. 4b). **in lacu Prilio:** in antiquity a salt-water lake near the coast in Etruria, near modern Grosseto (*BAtlas* 41 D–E4); it was drained in modern times. Full discussion of the limited evidence in *RE* XXII.2.1970–1 (s.v. *Prilius lacus*). The MSS vary in spelling (*Prilio* P, *Prelio* H, *Perelio* TE), but *ad lacum Aprilem* at *Itinerarium Antonini* 292 (from the third century AD; cf. *Itinerarium marinum* 500) seems to point to *Pril-*. **repente:** cf. §46n. *subito … repente.* **lintribus:** small, light boats, well suited to lakes and rivers (cf. *TLL* VII.2.1465.54–67). **materiem, calcem, caementa, harenam** "timber [*OLD* s.v. *materia* 1], lime [*OLD* s.v. *calx*[2]], rubble [collective plural, *OLD* s.v. *caementum* b], and sand," i.e. building materials. The latter three materials were used in making concrete, on which process see e.g. Adam 2010: 65–76. **trans ripam** "on the opposite bank." *ripa* usually refers to the bank of a river, but it can be used of lakes as well (*OLD* s.v. b). Paconius seems to be envisioned as standing on the mainland watching. For *trans ripam* = *trans lacum,* cf. Ov. *Met.* 9.114 *nam clauam et curuos trans ripam miserat arcus* ("for Hercules had thrown his club and curved bow across to the other bank"; he then crosses the river and picks them up). **non dubitauit aedificium exstruere in alieno:** pointed words that might remind an audience of the fate of C.'s own house after he went into exile: Clodius demolished it and built a Temple to Liberty on the site. Neuter *alienum* = "the property or land of others" (*OLD* s.v. 1).

75 **T. Furfanio:** another *eques* in the jury, Furfanius (*RE* s.v.) went on to a distinguished administrative career in Sicily (quaestor in 51, proquaestor in 50: *Att.* 7.15.2; proconsul in 45: *Fam.* 8.3.9). **cui uiro – di immortales!** *uiro* notionally leads C. to break off his thought, calling to mind Clodius' crimes against weaker victims, and so rather than continuing with a series of valorizing epithets he shifts gears. For *di immortales,* cf. §40n. *qui locus, quod tempus illud, di immortales, fuit!* Because the break

comes immediately after *uiro*, the dash should be placed there, not (with other editors) after *immortales* (sim. e.g. *Mur.* 84). **de muliercula Scantia:** the diminutive *muliercula*, contrasting with the foregoing *uiro*, points up Scantia's helplessness in the face of Clodian depredations. Of Scantia (*RE* 1) nothing further is known, unless she is the woman who married a P. Clodius Athenio (*CIL* VI.9677 = *ILS* 7278). **de adulescente P. Apinio:** another helpless victim, this time a "young man" (*adulescens*). Latin age terminology is notoriously vague (cf. §22n. *iam ab adulescentia documenta maxima*); the Varronian definition (ap. Cens. 14.2 *primo gradu usque annum quintum decimum pueros dictos ... secundo ad tricesimum annum adulescentes ... in tertio gradu qui erant usque quinque et quadraginta annos, iuuenes appellatos ...*) is idealized at best (*TLL* VII.2.734.33–735.4, Axelson 1948), and *adulescens* can sometimes be used even of men over forty (cf. e.g. *Phil.* 2.113, 118). C.'s choice of word may thus be tendentious. Of P. Apinius (*RE* s.v.) nothing further is known; even his name is uncertain (*Papinio* P, *Apinio* T, *Aponio* HE), and Clark conjectured *P. Aponio* to make him a relative of the Cn. Aponius mentioned at Asc. 55C, but as Cn. Aponius was a Clodian ally, this seems slightly less probable. (Admittedly Clodius' own brother and sister are about to be mentioned as victims.) On these names, see further Schulz 1904: 66. **quorum utrique mortem est minitatus, nisi sibi hortorum possessione cessissent** "he repeatedly threatened both of them with death unless they yielded to him possession of their suburban estates." *cessissent* is pluperfect subjunctive because *mortem est minitatus* is thought of as almost indirect discourse with reference to the future (≈ *utrumque se esse interfecturum minitatus est*, K–S II.182); it then represents the future perfect of a future-more-vivid condition in direct speech ("if you don't give me your land [Lat. future perfect], I will kill you"): *NLS* §281. Cf. *Ver.* 2.162 *nisi restituissent statuas, uehementer minatur.* The plural *cessissent* (PHV[c]) in a subordinate clause after grammatically singular *utrique* in the main clause is regular and should be preferred to *cessisset* (ET); cf. e.g. *Fin.* 2.1 *cum uterque me intueretur seseque ad audiendum significarent paratos* (K–S I.25). For *horti* "suburban estates," cf. §65n. *Pompeio nuntiatur in hortos.* Clark prefers *minatus* (HV[c]), but it is more likely that *minitatus* (ET) would be simplified than vice versa; the confusion is frequent (*TLL* VIII.1024.72–9). **sed ausum esse T. Furfanio dicere** "but that he had the gall to tell T. Furfanius." The intervening parenthesis has led to an anacoluthon (K–S II.587; cf. §103): C. slips into indirect speech, influenced by *quid dicam?* For a collection of parallel cases of attraction, see K–S II.582–3 (brief discussion in Löfstedt II.165–6), e.g. *Rep.* 1.58 *si, ut Graeci dicunt, omnes aut Graios esse aut barbaros.* C. may be using the grammatical shift to convey his emotion ("I'm so upset I can't even speak

straight") or for *uarietas*; the grammar is certainly not because he is unable to handle the (simple and repeated) construction. The anacoluthon foxed most of the scribes, and *ausum esse T.* is Richter's clever restoration from *ausum esset* in HV[c]. **si sibi pecuniam quantam posceret non dedisset, mortuum se in domum eius illaturum** "if he [Furfanius] didn't give him [Clodius] as much money as he [Clodius] demanded, he [Clodius] would plant a corpse in his [Furfanius'] house." A somewhat odd threat, the idea apparently being that Furfanius would come under suspicion of murder and so his reputation would be ruined. (One thinks of Tarquinius' rape of Lucretia at Liv. 1.58, where he threatens to murder her and plant a slave's body in her bed – although there it is the accusation of adultery that matters, not the corpse.) The sentence is another instance of a future-more-vivid condition in past time indirect speech. *si ... non* could equally well have been *nisi*, as both forms are used in threats (K–S II.423), but C. is perhaps seeking *uariatio*. *in domum* is used when a house is being treated as merely a building, not a "home" (K–S I.483). *mortuus* "a dead body" (*OLD* s.v. 1b) is a rare example of a singular past participle used substantivally in C. (Laughton 1964: 70–2, H–S 156). *posceret* (H) is the expected subjunctive in a subordinate clause in indirect speech; *poposcerat* (ET) would have to be C.'s (or "Milo's") own words. **qua inuidia huic esset tali uiro conflagrandum:** loosely, "the odium arising from this act (he thought) would have to destroy this fine man's good name." *quā inuidiā* = *cuius rei inuidiā* (further K–S I.65; cf. §99n. *quae ... obliuio*), an ablative of cause with impersonal *conflagrandum*. Cf. e.g. *Ver.* 1.42 *furtorum ac flagitiorum inuidiā conflagrauit.* **qui Appium fratrem, hominem mihi coniunctum fidissima gratia, absentem de possessione fundi deiecit:** nothing further is known about this intrafamilial property squabble. Clodius' oldest brother Ap. Claudius (*RE* 297) Pulcher, consul in 54 (and involved with the year's election scandal: cf. §22n. *L. Domiti*), was now away serving as proconsul in Cilicia (53–51). C. seems here to have lapsed into his own voice; i.e., *mihi* = C., not Milo. As praetor in 57 Appius had opposed C.'s recall (cf. §39n. *septem praetores*), but C. had reconciled with him by 54, apparently with Pompey as intermediary (cf. *Fam.* 2.13.2 *ego Appium ... ualde diligo meque ab eo diligi statim coeptum esse ut simultatem deposuimus sensi. nam et honorificus in me consul fuit et suauis amicus et studiosus studiorum etiam meorum*; *ad Brut.* fr. 11 SB = Quint. *Inst.* 9.3.41 *ego cum in gratiam redierim cum Appio Claudio, et redierim per Cn. Pompeium*). An expert in augury (*Div.* 1.105), Appius would dedicate a treatise on the topic to C. (*Fam.* 3.4.2). He is the recipient of thirteen letters from C. (= *Fam.* 3), written as C. prepared to succeed him as governor of Cilicia; while C. is diplomatic in this correspondence, elsewhere he reveals his true feelings about Appius' provincial administration (*Att.* 5.16.2 *audiuimus nihil aliud*

nisi … ciuitatum gemitus, ploratus, monstra quaedam non hominis sed ferae nescio cuius immanis). Upon his return from Cilicia, Appius was elected censor and instituted "something of a reign of terror" (Shackleton Bailey ad *Fam.* 13.4.4), resulting in a politically motivated prosecution of him by M. Caelius Rufus under the obscure *lex Scantinia* (*TLRR* 348); he was acquitted and eventually entered service under Pompey. He died in 48 with Pompey's troops Greece (*MRR* II.261, 276, with corrections in III.57). Full biography: Constans 1921; in shorter compass Goldmann 2012: 163–9. **qui parietem sic per uestibulum sororis instituit ducere … ut sororem non modo uestibulo priuaret sed omni aditu et limine:** Clodius had bought the house of Q. Seius Postumus in 58 (*Dom.* 115), making him and C. next-door neighbors on the Palatine after C.'s recall (*Har.* 33); the precise location of these houses is hard to pin down today. Clodius' sister's house was adjacent to the other side of Clodius' property. This sister is traditionally identified as Clodia Metelli, although Cerutti 1997: 421 argues that it was Clodia Luculli (the evidence does not admit of proof). Clodius had had grand plans for expansion into C.'s property during his exile (cf. e.g. *Dom.* 115–16); these were stymied by C.'s restoration, but Clodius seems to have gone ahead with construction on a more limited scale, here building some sort of facade. The door to a Roman house was set back from the street and accessed through a *uestibulum*, a space walled on both sides but left open to the street (Gel. 16.5.3). Clodius' project, C. claims, would have deprived his sister not only of her forecourt, but indeed of entry to her house altogether: some exaggeration seems likely, but a giant Claudian complex is not impossible. For *aditus, uestibulum,* and *limen*, cf. *Caec.* 35 *si te hodie domum tuam redeuntem coacti homines et armati non modo limine tectoque aedium tuarum sed primo aditu uestibuloque prohibuerint.* The variant *lumine* in H, although itself not impossible – one can imagine people in the densely clustered houses on the Palatine complaining of neighbors' cutting off their light, and Clark ad loc. quotes good parallels for such concerns – is probably a miscopying or conjecture, since B also has *limine.* The topographical questions are complex: see Appendix V in Nisbet ad *Dom.*, Lenaghan ad *Har.* 33, Cerutti 1997, Tatum 1999: 161–2, *LTUR* II.85–6 (Clodius' house), 202–4 (Cicero's); for a speculative reconstruction and plan of Clodius' and Cicero's houses, see Carandini 2017: II Tab. 64 (B and G) and esp. 281a.

76 Quamquam "and yet" (cf. §6n. *Quamquam*). **haec quidem … quae uero:** the particles set up a contrast, like Gk. μέν … δέ (cf. §12n. *quae quidem est ciuium*). C. contrasts the outrages that he just described, which he sarcastically calls "tolerable," with the horrors that would have ensued if Clodius had been elected to high office. **aequabiliter in rem**

publicam, in priuatos, in longinquos, in propinquos, in alienos, in suos: Clodius was an equal opportunity offender (*OLD* s.v. *aequabiliter* 3). C. describes Clodius' crimes in three pairs of contrasting terms, concluding with a thuddingly emphatic *in suos*: Clodius assaults everyone, even his own family. *propinquos* is naturally taken as "those close at hand" after *longinquos*; it does not mean "relatives" (contra *TLL* x.2.2022.28, even though "relatives" is its normal meaning as a substantive). C. is after rhyme and parallelism to point the contrast. **nescio quo modo** "somehow or other," with the implication that this is hard to believe (*OLD* s.v. *nescio* 7c). The phrase is a Ciceronian favorite: cf. e.g. *Phil.* 2.78 (of Antony reingratiating himself with Caesar) *factus es ei rursus nescio quo modo familiaris.* **obduruerat et percalluerat** "had grown callous and inured": *obduresco* in this metaphorical sense is common (*OLD* s.v. 2); *percallesco*, a very rare word, is so used only here (in its other five occurrences, "become thoroughly conversant with"). *occallesco* may have been more common (though this precise usage only at *Att.* 2.18.4 *angor equidem, sed iam prorsus occallui*, Plin. *Ep.* 2.15.2 *longā patientiā occallui*), but C. perhaps wished to avoid the *ob- oc-* jingle. **quae uero … ea:** for the word order, cf. §13n. *cuius … de eius.* **impendebant** "were looming [i.e. threateningly]," *OLD* s.v. 3. **quonam modo** "how in the world"; cf. §59n. *quibusnam de seruis?* **aut depellere potuissētĭs aūt fērrē:** *sc.* "if they had come to pass." For the "good men and true" word order, cf. §42n. *omnia … intuemur*; here it helps secure a good clausula. **imperium ille si nactus esset:** i.e., by becoming praetor. Fronting *imperium ille* focuses these ideas; to overtranslate: "high office – if *he* had gotten his hands on *that*." The "horror" of this thought again notionally causes C. to break off his sentence; there is no precisely corresponding apodosis. **omitto socios, exteras nationes, reges, tetrarchas** "I make no mention of our allies, of foreign nations, of kings, of petty princes," i.e., of various non-Romans whom Clodius would have harmed. These terms are often juxtaposed and contrasted with the Roman people; cf. e.g. *Agr.* 2.47 *cum se sociorum, cum exterarum nationum, cum regum sanguine implerint* [sc. *decemuiri*], *incidant neruos populi Romani* with Manuwald. *omitto* is almost a technical term of *praeteritio* (*OLD* s.v. 7b, *TLL* ix.2. 585.4–24; cf. §98 *omitto Etruriae festos et actos et institutos dies*), drawing attention to what C. "won't" mention. A *tetrarches* (< Gk. τετράρχης) is "a minor king under Roman protection" (*OLD* s.v.). **in uestras possessiones, uestra tecta, uestras pecunias: pecunias dico?** a tricolon introduced by anaphoric *uestr-*; its last member, rather than serving as a culmination, induces C. to make a *correctio* (cf. §64n. *ut sustinuit, di immortales! sustinuit?*) and change his construction and carry on. *tectum* "a house" is a common metonymy and not necessarily elevated (cf. Quint. *Inst.* 8.6.20 *prorsa … "tectum" pro domo recipiet*).

The plural *pecunias*, parallel with the foregoing plurals, is used to denote the money that each individual possesses (cf. *TLL* x.1.942.62–9). **a liberis ... et a coniugibus uestris numquam:** fronting the "wives and children" and *numquam* emphasizes the horror; the repetition of *a* is likewise emphatic (cf. §10n. *si in uim et in tela*). **mediusfidius:** loosely, "so help me!" This common exclamation is not adequately treated by the lexica (the *TLL* has "deferred" it to the *Onomasticon*); it seems to derive from an oath such as *me Dius Fidius adiuuet* or the like. Almost everything about *Dius Fidius* is obscure (Var. *Ling.* 5.66, *OCD* s.v. Semo Sancus Dius Fidius, Woodard 2006: 184–9). The god is identified with another obscure deity, *Sancus*, as early as Cato the Elder (ap. Dion. Hal. 2.49), and at least by the late first century BC *Sancus* is identified with yet another obscure god, *Semo* (Liv. 8.20.8 with Oakley); Ovid jokes about the onomastic confusion (*Fast.* 6.213–14). The god's full title may have been *Semo Sancus Dius Fidius* (cf. e.g. *CIL* VI 567, 2nd cent. AD), although Weiss 2017: 375–8 argues that this is an imperial syncrisis of three originally separate deities, *Semo*, *Sancus*, and *Dius Fidius*. *Dius* probably derives from *dīus* "bright" (< PIE **di̯eu̯i̯o-* "heavenly"); *Fidius* seems related to *fides*, which would well connect with the god's evident role in oath-taking (Weiss 2017: 376, De Melo ad Var. *Ling.* 5.66). Aelius Stilo identified *Dius Fidius* with Hercules ("son of Diouis": ap. Var. *Ling.* 5.66), as did Propertius (4.9.71–4 with Hutchinson). To judge from extant texts, by classical times the phrase *me Dius Fidius* had become a colloquial oath (cf. Adams 2016: 196), probably spoken without any sense of its religious origins; it is analogous to *mehercules*. The orthography is uncertain, but as the phrase had doubtless been grammaticalized, *mediusfidius* seems the best choice. **effrenatas suas libidines** "his unbridled lusts"; cf. e.g. *Clu.* 15 *libidinem effrenatam et indomitam*, *Catil.* 1.1 *effrenata ... audacia*, *Sest.* 82 *effrenatus furor.* **fingi haēc pŭtātīs:** given that C. is describing a hypothetical future that never came to pass, by definition these things are made up: C. brazens it out nevertheless. The ditrochaic clausula makes the word order of ET marginally preferable to the hypodochmiac *fingī pŭtātīs haēc* (CH). **quae patent, quae nota sunt omnibus, quae tenentur:** an anaphoric tricolon of "support" consisting of further bald assertions. *tenentur* = "are established facts" (*OLD* s.v. 16b). **seruorum exercitus illum in urbe conscripturum fuisse:** for Clodius' supposed slave armies, cf. §26n. *seruos agrestes ... deduxerat.* For *conscripturum fuisse*, cf. §70n. *iudicium exspectaturum fuisse.* **totam rem publicam resque priuatas omnium:** C.'s claim that Clodius would have had control of *everything* is rhetorically underscored by elegant repetition (*totam* ~ *omnium*, *rem* ~ *res*) with pointed contrast (*publicam* ~ *priuatas*: a very common juxtaposition; cf. *in rem publicam, in priuatos* above, *TLL* x.2.1389.49).

77 si cruentum gladium tenens clamaret T. Annius: a stock scene; cf. *Phil.* 2.30 (after Caesar's killing) *Brutus . . cruentum pugionem tenens "Ciceronem" exclamauit.* For the formal and honorific nomenclature *T. Annius,* cf. §1n. *T. Annius ipse.* **adeste, quaeso, atque audite, ciues!** C. launches into a second *sermocinatio. adeste* = "pay attention" (*OLD* s.v. 19; cf. §4n. *adeste animis*); "Milo's" speech is given a brief exordium. *quaeso* is a formal way to say "please" (Dickey 2012: 746–7); it commonly softens an imperative (*OLD* s.v. 3a). Cf. §23 *quaeso, diligenter attendite.* **eius furores:** for the force of *furor,* cf. §3n. *P. Clodi furor,* for the plural, cf. §32n. *in illis suis cogitatis furoribus.* **nullis iam legibus, nullis iudiciis frenare poteramus:** Clodius' flouting of *leges* is described everywhere in this speech; for the *iudicia,* cf. §42n. *P. Clodium in iudicium bis, ad uim numquam uocauit.* Figurative *freno* "rein in" (*OLD* s.v. 3) is first attested here, perhaps to contrast with *effrenatas suas libidines* just above; it elsewhere appears primarily in poetry (cf. e.g. Verg. *Aen.* 1.523 *iustitiā ... gentes frenare superbas*). The first-person plural *poteramus* embraces Milo, C., and the Roman people as a whole. **hoc ferro et hac dextera a ceruicibus uestris reppuli:** vivid imagery and high language: repeated *hoc/hac* draws attention to the imaginary sword and right hand (cf. Oakley ad Liv. 6.14.4); *ferrum* = "iron" → "sword" (*OLD* s.v. 4) is a frequent metonymy that nevertheless still belongs to a more elevated register. (An indication of the register: *gladius* is written instead of *ferrum* in the Vulgate even in cases where *ferrum* had been formulaic in classical Latin, like *ferrum et fames* and *ferrum et flamma*: Wölfflin 1933: 247. Quint. *Inst.* 10.1.10–14, implying *ferrum* is simply a synonym of *gladius,* is oversimplified.) The image of driving off a danger menacing people's necks is common in C.; cf. e.g. *Sul.* 28 *quos ego a uestris ceruicibus depuli* with Berry. **per me ut unum** "so that because of me alone"; fronting *per me* gives it the strongest focus. **ius aequitas, leges libertas, pudor pudicitia:** a tricolon of virtuous pairs, the last two alliterative (further examples of tricolons of pairs at Nägelsbach 1905: 710). Here these words are probably chosen more for their general valence than their specific meanings, but *ius* (*OLD* s.v. 7) and *aequitas* (*OLD* s.v. 4) both point to "justice"; *leges* to written laws (cf. §74n. *nulla lex ... nullum ciuile ius, nulli possessionum termini*); *libertas* to the all-important Republican ideal (further Wirszubski 1950, Arena 2012). *pudor* and *pudicitia* are constantly joined (cf. e.g. *Phil.* 2.15 *adeone pudorem cum pudicitia perdidisti?*); the former refers generally to appropriate behavior, the latter specifically to sexual purity (*OLD* s.v., *TLL* x.2.2483.55–2484.3; on *pudor* in detail Kaster 2005: 28–65). **manērĕt īn cīuĭtātē:** for the singular verb, cf. §14n. *cum inesset ... uis et insidiae.* The MSS vary in their placement of *in ciuitate.* It seems clear that it should go after the enumeration of virtues, but if it preceded *maneret* it would produce a heroic

clausula. The order printed here is Zielinski's emendation; Clark at one point considered deleting *in ciuitate*, but the resulting phrase seems too bald. **esset uero timendum** "come now, would he have to fear"; *uero* conveys "a sense of protest, disbelief, etc." (*OLD* s.v. 5e). Editors typically take this as an ironic statement (*OLD* s.v. *uero* 3b, K–S 1.799) rather than a rhetorical question, but the latter seems more forceful. **quonam modo:** cf. §76n. *quonam modo.* **quis est qui non probet, qui non laudet, qui non ... et dīcăt ēt sēntĭăt:** a rising tricolon conveying the strongest emphasis; for the grammar, cf. §9n. *quis est qui ... puniendum putet.* The object of *probet* and *laudet* is Milo or his hypothetical deed; the two words are constantly combined (cf. e.g. *Fam.* 7.1.5 *rationem oti tui et laudo uehementer et probo*). The closing doublet adds nuanced emphasis and a pretty clausula; for the combination of *dico* and *sentio*, cf. §65n. *sed dicam ut sentio.* **unum post hominum memoriam:** *post hominum memoriam* = "in human history" (*OLD* s.v. *memoria* 6c), a Ciceronian favorite (21x; 3x in Nepos, 1x in *B. Hisp.*). For the further emphasis of *unum*, cf. §69n. *unius post homines natos fortissimi uiri.* **T. Annium plurimum rei publicae profuisse:** perhaps a (not so) covert critique of Pompey; in any case a line more likely to have been added in revision than spoken before the great man himself. The consonance and assonance may add emphasis. **populum Romanum, cunctam Italiam, nationes omnes:** a tricolon increasing to embrace the whole world; cf. e.g. *Dom.* 147 *si dis immortalibus, si senatui, si populo Romano, si cunctae Italiae, si prouinciis, si exteris nationibus.* **non queo:** except in one instance in his poetry, in the first-person singular C. always has *non queo*, never *nequeo*, although other forms of the latter verb occasionally appear (cf. e.g. *De orat.* 2.303 *quae sanare nequeunt* [sc. *alii*], *exulcerant*, *Sen.* 28 *si ipse exsequi nequeas*). The reason for this preference is not clear (cf. Moussy 2002, whose focus on metrical criteria will not explain either the present instance or the just quoted examples). *nequeo* seems to be the older verb (apparently < *neque* + *it* or *itur*, "it does not go": de Vaan 2008 s.v. *queo*), with *queo* a back-formation, although C. himself thought the opposite (*Orat.* 154). **multas tamen iam summorum imperatorum clarissimas uictorias aetas nostra uidit:** signally Pompey's (especially with *summorum*; cf. *hoc summo uiro* in the next section), although also Caesar's: perhaps by implication a depreciating comparison with Milo? **nulla neque tam diuturnam laetitiam attulit nec tantam:** for *neque ... nec*, cf. K–S II.46; here it avoids a hexameter ending. Another instance of "good men and true" word order: cf. §42n. *omnia ... intuemur.* **mandate hoc memoriae** "remember this" (*OLD* s.v. *memoria* 2d). The periphrasis may be slightly elevated, but its force is hard to gauge (only once in a letter, to Ligarius in exile, where the context is perhaps formal: *Fam.* 6.13.3).

78 multa ... bona: fronting *multa* in hyperbaton gives it strong focus. **ēssĕ uīsūrōs ... uōs uīsūrōs fŭīssē:** in each case the word order gives a good clausula (cf. §44n. *Clodium sibi dixisse ... periturum Milonem triduo*). **in iis singulis:** i.e., in the case of each one individually (as opposed to *in iis omnibus*, in all of them taken together). **uiuo P. Clodio nihil eorum uos uisuros fuisse** "that if P. Clodius were alive, you would have seen none of them," i.e., a contrary-to-fact condition in indirect speech (cf. §70n. *iudicium exspectaturum fuisse*) whose protasis is contained in *uiuo P. Clodio.* **quem ad modum confido:** cf. §66n. *ut intellego.* **hoc summo uiro consule:** i.e. Pompey. **licentia** "disorderly behavior" (*OLD* s.v. 2). In general *libertas* is freedom of which the speaker approves, *licentia* freedom of which the speaker disapproves (Braund 2004: 409). For C., proper *libertas* is often contrasted in particular with the *licentia* of *popularis* politicians; cf. e.g. *Rep.* 3.17 Powell *si uero populus plurimum potest omniaque eius arbitrio reguntur, dicitur illa libertas, est uero licentia* (further Wirszubski 1950: 7, Hellegouarc'h 1963: 558–9). C. memorably calls the temple that Clodius built on the site of his house not an *aedes Libertatis* but a *templum Licentiae* (*Leg.* 2.42 with Dyck). **cupiditatibus fractis:** *cupiditas* "desire" shades easily into a negative sense (*OLD* s.v. 2); the plural refers to concrete instances of the abstract notion. Clark reads *confractis*: although found only in H and almost certainly H's own change (V[c] has *fractis*, and so *con-* was not in the Cluniacensis), it is very tempting with *compressa* and *constitutis* and the tendency of MSS to simplify compounds (cf. §67n. *te enim appello, et ea uoce ut me exaudire possis*). Comparanda are few, but *De orat.* 1.86 *de frangendis cupiditatibus* and 2.35 *quis cupiditatem uehementius frangere accusando potest?*, combined with the consensus of the other MSS, leads to a reluctant retention of *fractis.* **legibus et iudiciis constitutis:** i.e., Pompey's special laws and courts, on which see Introduction p. 13. **salutarem:** yet another reference to the *salus* of the *res publica* (cf. §1n. *magis de rei publicae salute quam de sua*). **num quis igitur est ... qui** "is there anyone ... who," implying that surely there is not (*OLD* s.v. *num* 3; cf. §9n. *quis est qui ... puniendum putet*). **hoc P. Clodio uiuo contingere potuisse** "that this could happen if P. Clodius were alive," another contrary-to-fact condition in indirect discourse. When verbs are passive or lack a future participle (*contacturus* only at Liv. 10.28.17, in a literal sense), the periphrasis *-urum fuisse* is unavailable, and Latin authors sometimes resort to the modal use of *possum*; cf. §91 *potuisse defendi* (*NLS* §§200, 281, K–S II.406: i.e., here *potuisse* = *poterat* [or *posset*] in direct speech). **quid?** cf. §33n. *quid?* **ea quae tenetīs prīuāta ātquĕ uēstrā:** in classical Latin prose *atque* is generally found before words beginning with a vowel, *ac* before words beginning with a consonant; i.e., *atque* is usually elided (see e.g. Gotoff ad *Marc.* 9, Berry 1996: 53–4; for

Latin verse, see Butterfield 2008, with earlier extensive discussion in Ross 1969: 26–39). In C. unelided *atque* is found in clausular position and occasionally in solemn or archaizing contexts (the full form is a feature of older Latin); cf. e.g. §85 *Albani tumuli atque luci ... imploro atque testor*, §92 *et <in> infimi generis hominum condicione atque fortuna*, §94 *uox atque defensio*, all in both clausular position and passages of heightened emotion. Unelided *atque* here shows that *uestra* ends its colon; it should thus be followed by a slight pause (hence the comma). **homine furioso:** cf. §3n. *P. Clodi furor.* **ius perpetuae possessionis** "right of permanent possession." The MSS have *possessiones* (in theory possible in apposition to *ea quae tenetis*), but the genitive, adopted by virtually all editors, is much more natural (for *ius possessionis*, see *TLL* x.2.93.81–3). **odio mearum inimicitiarum inflammatus:** *inimicitiae* (plural) is regular for a concrete state of enmity; C. uses the singular only twice (to refer to the abstract idea: *Tusc.* 4.16, 21, perhaps translating Gk. κότος: *TLL* VII.1.1619.72), and Caesar thought the word should be *plurale tantum* (*De analogia* fr. 11a Garcea = Gel. 19.8.4). For the phrase, cf. *Mur.* 56 *habet eos accusatores, non qui odio inimicitiarum ad accusandum, sed qui studio accusandi ad inimicitias descenderint*, *Phil.* 8.21 *inflammati odio, excitati dolore.* **libentius ... quam uerius** "with greater eagerness than truth." A regular way to compare two qualities of a single object (A–G §292), although first found in C. and common only from Livy onwards; in C. *magis libenter ... quam uere* is the more usual form (K–S II.474, H–S 162). **euomere** "to give vent to" (*OLD* s.v. 2), a vivid verb (lit. "vomit, spew out"); cf. *Phil.* 5.20 *in me ... orationem ex ore impurissimo euomuit.* **si praecipuum esse debebat:** sc. *odium meum.* **ita communis erat omnium ille hostis ut in communi odio paene aequaliter uersaretur odium meum:** bile-filled words stated as simple fact. C. admits that he hates Clodius but claims that everyone else does too, asserting that Clodius is not merely his own private enemy but indeed the public enemy (*hostis*) of the whole Roman people. For *communis ... omnium*, cf. §21n. *in communi omnium laetitia ... gauderet.*

79 **Quin sic attendite, iudices:** *quin* strengthens the imperative (*OLD* s.v. 1b), an archaic usage blending *attendite* with *quin attenditis?* ("why don't you pay attention?" → "pay attention!": K–S I.202, H–S 676). In C. it is found only here and at *Q. Rosc.* 25 *quin tu hoc crimen aut obice ... aut iacere noli.* The construction has a later life in high poetry (cf. Verg. *Aen.* 6.824 with Norden). **[nempe haec est quaestio de interitu P. Clodi]:** first deleted by Clark, these words are otiose at best. In H the original version of the gloss is seen (*nempe de interitu P. Clodi*), which has been expanded in ET. **fingite animis ... fingite igitur cogitatione:** *fingo* + *animo* and the like means "imagine" (*OLD* s.v. *fingo* 8). For the typical repetition after the

interrupting parenthesis, cf. §70n. *hunc.* **liberae sunt enim nostrae cogitationes et quae uolunt sic intuentur ut ea cernamus quae non uidemus** "for our thoughts are free and gaze upon whatever they want, so that we perceive (in our minds) things which we cannot see (with our eyes)." The correct reading is uncertain: *cernamus* CH, *cernimus* ET; *uidemus* CET, *non uidemus* H. The text printed here gives good sense and reflects Quintilian's paraphrase of the passage (*Inst.* 9.2.41 *Cicero pro Milone ... "haec quae non uidistis oculis, animis cernere potestis"*; Crawford 1994: 296 somewhat misleadingly classifies this as a *fragmentum incertae sedis*). C. expresses a similar thought at *Balb.* 47. The omission of *animis* and *oculis* in C.'s transmitted text is admittedly hard, because *cerno* can also refer to physical sight, and *uideo* to mental (cf. e.g. *Fam.* 6.3.2 *quem ego tam uideo animo quam ea quae oculis cernimus*). But the reading adopted by most editors, *ut ea cernimus quae uidemus* ("just as we behold the things which we see"), seems tautologous at best. **Milonem ut absoluatis:** fronting *Milonem* points the contrast with the parallel *P. Clodius* following. **sed ita si P. Clodius reuixerit** "but on the condition that P. Clodius be brought back to life." *sed ita si* = "but (only) on condition that" (*OLD* s.v. *ita* 16b). **quid uultu extimuistis?** C. pretends that the mere mention of the idea of Clodius returning to life prompts horror in his audience, and so he breaks off his construction. For the singular *uultu* of the imagined jurors' faces (plural), cf. §4 *quae uultu et uerbis saepe significassent*, §73n. *quem ... uitae ciuium conseruatorem iudicarant.* **quonam modo:** cf. §76n. *quonam modo.* **ille uos uiuus:** *uos* points up the focused *ille*, with the mild hyperbaton drawing attention to *uiuus.* **quid?** cf. §33n. *quid?* **qui ea uirtute ac fortuna est:** ablatives of description; there is just possibly a shade of insult here, with *ac* implying that Pompey owes more to *fortuna* than *uirtus*, but C. joins the two in his praise of Pompey at *Man.* 47–8 as well (cf. e.g., of other great generals past, *Man.* 47 *non solum propter uirtutem sed etiam propter fortunam*). **ut ea potuerit:** sc. *facere.* **quae nemo praeter illum:** sc. *facere potuit. illum* = Pompey; C. cannot say *praeter se* because the reflexive would point to *nemo*, not *Pompeius.* **si is, inquam:** another repetition after an interrupting parenthesis. **ab inferis excitare:** *inferi* = "the inhabitants of the underworld" (*OLD* s.v.). *excito* is almost a technical term for summoning dead spirits (*OLD* s.v. 3d, *TLL* v.2.1258.53–64); the following *euoco* is even more common in this sense (*OLD* s.v. 1c, *TLL* v.2.1054.61–1055.3). **facturum fuisse** "would have done" (cf. §70n. *iudicium exspectaturum fuisse*). **etiam si ... uellet ... non fecisset:** imperfect *uellet* because the "wanting" was an ongoing state; pluperfect *non fecisset* refers to a single hypothetical action not done. **propter amicitiam:** C.'s allowing that Clodius and Pompey were *amici* could be an inconsistent slip, as C.'s pose throughout the earlier part

of the speech has been that Clodius and Pompey were enemies. (When forced to deal with their apparent reconciliation, C. has tried to imply it was merely a front maintained for other reasons; cf. e.g. §21n. *fuisse illum sibi inimicum.*) More probably, however, it is a sign that this section has been added after the trial was over, when there was no reason to maintain that pretense. **eius igitur mortis sedetis ultores:** describing the jurors as avengers of Clodius' death also looks like post-trial language; these are not the terms in which C. has cast the trial thus far, nor would they be useful in securing the acquittal of his client. During a trial jurors sat on benches in front of the presiding magistrate's tribunal (*sedetis*), although they were free to get up and talk and walk around (Lintott 2004: 63–4). (The defense and prosecution teams also had benches placed at right angles to the jurors' benches and so facing each other; the orators spoke in the middle: Hall 2014: 23–4.) *eius* goes with following *cuius*, not *mortis.* **de eius nece ... qui si lege eadem reuiuiscere posset, lata lex numquam esset** "and the law under which this inquiry was set up is one which, if it had entailed bringing this man back to life, never would have been proposed" (after Berry's trans.); English cannot quite bind together these clauses as Latin does. *numquam* is focused, as shown by the placement of *esset* and the mild hyperbaton of *lata ... esset.* Clark reads *ista lex lātă nŭmquam ēssēt*: HV^{c} have *ista lex* (i.e., "the law under which you are acting"), but after *lege eadem* a simple *lex* seems more likely, and while Clark's suggested order produces a "better" clausula, it seems dangerous to rewrite every well-attested double-spondee. Here the slow close could even be emphatic. C. seems to prefer the form *reuiuisco*; other authors *reuiuesco* (*OLD* s.v.; on the forms see Leumann 539, 554). **huius ergo interfector si esset:** fronting *huius ... interfector* focuses the phrase. One might have expected *illius*, as Clodius is not elsewhere in this speech referred to with *hic*, but if the MSS are right the idea seems to be that after all the foregoing descriptions, Clodius is now present in the audience's minds as "this (sort of) man." So too §88 *in priuato eodem hoc*; cf. e.g. *Ver.* 4.7 *idcirco nemo superiorum attigit ut hic tolleret?*, where *hic* = Verres, who in the *Verrines* is almost always *iste* (sim. *Phil.* 2.80). **ab iisne:** *-ne* attaches to the focus of the question, and so here it draws attention to *ab iis* (treated as a unified phrase): "would he fear punishment *from the very people whom he had set free?*" The MSS transmit *ab hisne* (i.e. in reference to the jurors specifically), but if preceding *huius* is right, *his* cannot stand here. *his* and *iis* are constantly confused in medieval MSS (*his* for *iis* in this speech at §§32, 56, 60, 80, 103; *iis* for *his* §61; cf. Nisbet ad *Pis.* 21).

80 Graeci homines deorum honores: *Graeci* alone would have sufficed, but adding *homines* secures a balanced contrast with *deorum honores.* The

collocation, reasonably common in C. but rare in other authors (*TLL* VI.3.2886.8–10), may also avoid the note of contempt sometimes found in the bare adjective (cf. e.g. *Ver.* 4.134 *mirandum in modum Graeci rebus istis, quas nos contemnimus, delectantur*), but *Graeci homines* can be contemptuous too (so right before the just quoted passage: *Ver.* 4.132 *haec opera atque artificia ... Graecos homines nimio opere delectant*). The connotation of the phrase cannot be divorced from its context and speaker, and the always evolving usage of such labels in recent American English gives some indication of how hard it is to pin down nuances at a distance of two millennia (cf. "blacks" and "black people," "Jews" and "Jewish people," "Mexicans" and "Mexican people," etc.). **qui tyrannos necauerunt:** signally Harmodius and Aristogiton, who assassinated Hipparchus during the Panathenaic festival in 514 BC (Thuc. 6.54–9, Aristot. *Ath. Pol.* 18). Milo is compared with a new set of tyrant-slayers. **quae ego uidi Athenis, quae aliis in urbibus Graeciae:** in Athens C. would have seen famous statues of Harmodius and Aristogiton: an early one by Antenor was looted by the Persians in 480 BC and returned much later; a replacement was sculpted by Kritios and Nesiotes (cf. Val. Max. 2.10.ext. 1, Plin. *Nat.* 34.70, Paus. 1.8.5, Arr. *An.* 3.16.7–8 with Bosworth, 7.19.1–2). A Roman copy of the latter can be seen today in the National Archaeological Museum of Naples (inv. nos. 6009, 6010). (A copy had also been set up in Rome on the Capitoline, perhaps dedicated by Sulla [*sic!*]: so speculatively Reusser 1993: 113–20.) Exactly what C. saw in other Greek cities is less certain. For C.'s educational travels through Greece, cf. *Brut.* 315–16, Plut. *Cic.* 3–5. For the balanced series of shrinking clauses in anaphoric asyndeton, cf. §61n. *quae magnitudo animi, qui uultus, quae oratio.* For the order adjective + preposition + noun, cf. §31n. *multis in causis saepe.* **quas res diuinas talibus īnstĭtūtās uĭrīs:** cf. e.g. Dem. 19.280 "men [*sc.* Harmodius and Aristogiton] to whom ... you have allotted by statute a share of your libations and drink-offerings in every temple and at every public service, whom, in hymns and in worship, you treat as the equals of gods and demigods" (trans. Vince and Vince 1926). The word order emphasizes *talibus ... uiris* and secures a double-cretic clausula (cf. §57n. *parum amplis affēcĕrīt praēmĭīs*). **quos cāntūs, quaē cārmĭnā:** sc. *audiui* (or the like). We have four versions of a *scolion* to Harmodius and Aristogiton (*PMG* 893–6: see Budelmann 2018: 265–71 for extensive discussion), which is widely referred to by other authors (e.g. Ar. *Ach.* 980). *cantus* and *carmina* are synonyms (*TLL* III.467.50–4); the doublet allows for a balanced close in diminuendo and a molossus-cretic rhythm. **uos tanti conseruatorem populi:** the emphatic *uos* is contrasted with *Graeci homines* in adversative asyndeton. The mild hyperbaton emphasizes the greatness (*tanti*) of the Roman people. Milo has become the savior of the

state; C. speaks of his client in the same terms in which he speaks of himself (cf. §73n. *quem ... uitae ciuium conseruatorem iudicarant*). **ad supplicium rapi:** *rapio* "seize and carry off" is a vivid and violent verb used of punishment (*OLD* s.v. 7b), underscoring the outrage. This usage is rare in C.: elsewhere at *Ver.* 1.7 *rapiunt eum* [= *Verrem*] *ad supplicium di patrii, Flac.* 5 *rapitur ad poenam, De orat.* 2.238. **confiteretur, confiteretur, inquam, si fecisset:** the imperfect *confiteretur* means that Milo would be confessing right now. For the emotional *geminatio,* cf. §21n. *Non fuit ... profecto non fuit cur.* When repeating a noun, adjective, or pronoun in immediate succession, C. almost always marks the repetition with *inquam* (Wills 1996: 65; further *TLL* VII.1.1791.69–77). **magno animo:** cf. §3n. *magno animo.* **quod esset:** *esset* is subjunctive in a subordinate clause in indirect discourse; i.e., this is part of what Milo would be saying. **uerum etiam:** HV[c] read *sed etiam uere,* but *uere* "truthfully" (*OLD* s.v. 3) would create a nonsensical contrast with *confiteretur,* and *uere* "really" (*OLD* s.v. 1) adds emphasis in opposition to an expressed or implied "apparently," which is not here the case. Furthermore, *sed etiam uere* is found only once elsewhere (Quint. *Inst.* 11.1.58, where *uere* means "truthfully").

81 **dubitaret id fateri** "would he hesitate to confess." The argument is that if Milo had killed Clodius deliberately, he would positively boast of it. **praemia laudis** "the rewards of (public) praise"; the phrase may have had a poetic ring (a hexameter ending: cf. e.g. Catul. 64.102 *aut mortem appeteret Theseus aut praemia laudis*), but it is also found at *Ver.* 5.125. **nisi uero:** cf. §8n. *nisi uero.* **sui se capitis:** that *sui* is focused is shown by the position of *se*; *sui* is further emphasized by the mild hyperbaton. **cum praesertim:** cf. §42n. *Praesertim ... cum honoris amplissimi contentio ... subesset.* **honores a̲ssequerētŭr ā̲mplīssĭmōs:** the hyperbaton throws emphasis on *amplissimos* and secures an alliterative double-cretic clausula. **sin factum uobis non probaretur:** cf. §30n. *sin.* C. contrasts the foregoing *si grati esse uelletis* with elegant variation. The third-person passive of *probo* is commonly construed with a dative ("be regarded as good or right": *OLD* s.v. 1b, *TLL* X.2.1466.57–1467.3). **quamquam qui poterat salus sua cuiquam non probari?** loosely, "although how [*OLD* s.v. *qui*[2] 1] could anyone not approve of an action that secured his own safety?" Milo's actions are again equated with the salvation of the Roman people (cf. §1n. *magis de rei publicae salute quam de sua*). For the regular indicative *poterat,* cf. §31n. *certe optabilius Miloni fuit dare iugulum P. Clodio* and Lebreton 281. Here the reflexive *sua* is induced by the "logical" subject (*quisquam*), not the grammatical one (*salus*): cf. §37n. *monumentum sui nominis.* For the use of *quisquam* in rhetorical questions, cf. §8n. *An est quisquam qui hoc ignoret.* **sed tamen:** *sed tamen* commonly resumes a

sentence after an intervening parenthesis with repetition of the key word or idea (*si minus fortissimi uiri uirtus ciuibus grata cecidisset* ~ *sin factum uobis non probaretur*): K–S I.588. **fortissimi uiri uirtus:** for the *figura etymologica* of *uiri uirtus* (*uirtus* < *uir*, "the qualities of a 'real' man"), emphasizing Milo's virtue, cf. e.g. *Ver.* 5.5 *M. Crassi, fortissimi uiri, uirtute.* **cederet ex ingrata ciuitate:** again, language evocative of C.'s own exile; cf. §36n. *ego, iudices, cum maerentibus uobis urbe cessi.* The phrase *ingrata ciuitas* is frequent in descriptions of unjust exile and the like; cf. *Parad.* 2.17, *Leg.* 3.26, Liv. 5.32.9, 45.38.9, Nep. *Timoth.* 3.5. **propter quem** = *per quem* (cf. §58n. *propter quos*).

82 hoc animo semper fuimus omnes ... ut "all of us have always been of the opinion that" (ablative of description + a consecutive noun clause [*NLS* §168]); cf. e.g. *Catil.* 1.29 *hoc animo fui semper ut.* By adding the vague *omnes* C. rhetorically implies that his is the timeless attitude of the Roman people generally and his audience specifically. With *semper*, the perfect is much more common than the imperfect; the adverb already indicates the continuing nature of the action. Cf. too §4n. *qui semper ... dediti fuimus.* **futura esset:** potential subjunctive. **periculum quoque et inuidiam nostram:** *nostram* is predicate; the adjective agrees, as usual, with its closest antecedent (cf. Lebreton 2–4, K–S I.54, H–S 435; cf. §14n. *cum inesset ... uis et insidiae*). **quae mihi ipsi tribuenda laus esset ... si ... arbitrarer:** in English a past contrary-to-fact condition is more natural ("what praise would I have deserved ... if I had thought"), but the present contrary-to-fact is perhaps more vivid; cf. §68n. *te ... testaretur.* **cum tantum ... ausus essem:** in a subordinate clause dependent on a present contrary-to-fact condition with imperfect subjunctives, secondary sequence, as here, is usual. But primary sequence is occasionally found too: cf. §90 *qui cum tantum <u>ausus sit</u> ... quid ... non esset ausurus?* (K–S II.193). **sine maximis dimicationibus meis** "without the greatest struggles on my part." *dimicatio* in this sense ("the action of fighting" → "a struggle," *OLD* s.v. 2) with a pronominal adjective is hard to parallel, but more generally cf. §40n. *nulla sua inuidia, M. uero Antoni maxima gloria.* **quae mulier:** i.e., "even a woman"; in depreciatory contexts *mulier* is the word of choice for a woman (cf. §55n. *quamquam paratus in imparatos Clodius, tamen mulier inciderat in uiros*). **si periculum non timeret** "if she had no danger to fear"; *nisi periculum timeret* would mean "unless she feared danger": cf. §20n. *ex quibus si me non.* **proposita inuidia, morte, poena:** fronting focuses this tricolon of consequences, although its order is perhaps unexpected; it may move from private to public (hatred and death at the hands of private individuals, then the official judgment [*poena*] of the state). *morte* is not likely to be a gloss on *poena,* because

proponere mortem is a good Ciceronian phrase (*TLL* x.2.2069.13–16, to which add *Sul.* 75 *turpissima morte proposita*), and death was a real risk one might run in attacking a wicked man, and a tricolon here is more forceful than *asyndeton bimembre.* **qui ... is:** for the word order, cf. §13n. *cuius ... de eius.* **nihilo segnius** "no less eagerly" (*OLD* s.v. *segniter* 2); *nihilo* is an ablative of degree of difference (cf. §19n. *nihilo minus*). The phrase is first attested here (and only here in C.); it becomes a Livian tic (8x) but is otherwise rare (1x apiece in Sallust, Nepos, Pliny the Younger, and Apuleius). **uir uere:** this sound-play is rare; the words are immediately juxtaposed elsewhere only at Liv. 7.1.9 *fuit ... uere uir unicus* (cf. §67n. *non unius uĭri uīres*). **populi grati est ... uiri fortis** "it is right for a grateful people ... it is right for a gallant man," genitives of characteristic (cf. §33n. *quam erat humanitatis meae postulare*). **bene meritos de re publica ciues:** cf. §63n. *miseros interdum ciues optime de re publica meritos.* **ne suppliciis quidem moueri ut fortiter fecisse paeniteat** "not to be moved even by punishments to regret his brave deeds." With *paeniteat* understand *eum*; grammatically speaking *fortiter fecisse* is the subject (cf. *OLD* s.v. *paeniteo* 2b, A–G §354c for the construction). *moueo* "cause a change of attitude" (*OLD* s.v. 14) is not commonly construed with *ut* (*TLL* VIII.1543.59–63), but cf. *Leg.* 1.41 *qui non ipso honesto mouemur ut boni uiri simus, sed utilitate aliqua ... callidi sumus, non boni.* The phrase *fortiter facere* "act bravely" is extremely common: *TLL* VI.1.1163.69–1164.13.

83 T. Annius: again, deliberately honorific nomenclature; cf. §1n. *T. Annius ipse.* **qua Ahala, qua Nasica, qua Opimius, qua Marius, qua nosmet ipsi:** cf. §8nn. with precisely the same list of tyrant-killers, given in precisely the same chronological order (here in emphatically anaphoric asyndeton). If the present passage has been added in revision, the repetition may help unify the different parts of the speech, although C. seems to have reached automatically for these particular *exempla* (cf. §8n. *P. Africanum ... C. Carbone ... Ti. Gracchi*). **in graui fortuna** "in his misfortune." *grauis* is commonly used of grievous or painful conditions (*OLD* s.v. 10b); with *fortuna,* cf. e.g. *Sul.* 73 *fortuna in hoc fuit fortasse grauior quam in ceteris.* **conscientia:** cf. §61n. *nulla conscientia exanimatum.* **Sed huius benefici gratiam, iudices, ... di immortales sibi deberi putant:** C. moves to a new argument, with *gratiam* forming a smooth transition from foregoing *grata/ingrata.* He has just been arguing that if Milo had slain Clodius deliberately, Milo could boast that he had done good service to the Republic. Now, by contrast (*sed*), he says instead that the real credit for this meritorious action belongs to the gods, who drove Clodius mad and induced him to fight against Milo. Clodius' death is thus still very much a good thing, but Milo is merely the earthly instrument of a higher

power. For the argument, cf. §6n. *uirtuti Milonis ... populi Romani felicitati*; likewise in the *Catilinarians* C. had attributed his suppression of the conspiracy at Rome both to himself and to the gods, and had claimed that the gods drove the conspirators mad in order to destroy them (Berry 2020: 149–62, esp. 156). On the religious dimension of this part of the speech, see Vielberg 1995: 56–63, Dyck 1998: 233–9, Gildenhard 2011: 343–7. **Fortuna populi Romani et uestra Felicitas et di immortales:** *Fortuna (Publica) populi Romani* was the deity in charge of Roman success and prosperity (*OCD* s.v. *Fortuna*; further Miano 2018, esp. 115–18, 137–40); C. refers to the goddess seven times in his speeches, including §87 (elsewhere at *Ver.* 16, *Man.* 45, *Catil.* 1.15, *Phil.* 5.39, 14.38). In a context focused on divine retribution, and in the company of *Fortuna populi Romani* and *di immortales*, *felicitas* is probably *Felicitas*, the goddess of good luck (*OCD* s.v.). With *di immortales* C. implies that Clodius' death is the will of the gods more generally. On the stock epithet *immortales*, cf. §40n. *qui locus, quod tempus illud, di immortales, fuit!* **nec uero quisquam aliter arbitrari potest, nisi qui nullam uim esse ducit numēnquĕ dīuīnŭm:** C. claims that only an atheist could fail to realize that Clodius' death is the product of divine retribution. He then has a theological digression to confute atheism, thus "proving" that Clodius' death was brought about by the gods. While theology may seem misplaced in a murder trial, here it creates the impression that C.'s assertions about divine vengeance are based on reasoned argument, not just repeated insistence. *ducit* = "believes" (*OLD* s.v. 30). *diuinum* goes with *uim* and *numen* (cf. §82n. *periculum quoque et inuidiam nostram*). The synonymous doublet *uim ... numenque* allows for lingering emphasis and a rhythmic close and perhaps is an attempt to closer approximate the ineffable; cf. e.g. *N.D.* 2.95 *esse quoddam numen et uim deorum*, *Phil.* 3.32 with Manuwald. **quem neque ... mouent:** an incredulous description of an atheist, who should have been persuaded of the gods' existence and providential care by any number of phenomena. **imperi nostri magnitudo:** that the size of Rome's empire is C.'s first sign of divine providence may seem remarkable, but the notion of Roman manifest destiny started early. Cf. e.g. *Har.* 19 *quis est tam uecors qui ... cum deos esse intellexerit, non intellegat eorum numine hoc tantum imperium esse natum et auctum et retentum?*, *N.D.* 3.5 *quae* [sc. *nostra ciuitas*] *numquam profecto sine summa placatione deorum immortalium tanta esse potuit*, *Phil.* 6.19 *populum Romanum seruire fas non est, quem di immortales omnibus gentibus imperare uoluerunt*; a few decades later Verg. *Aen.* 6.851–2 *tu regere imperio populos, Romane, memento* | *(hae tibi erunt artes)* with Horsfall. **sol ille:** *ille* is deictic; C. gestures (or "gestures") to the sun. **caeli signorumque motus** "the motions of the stars in the heavens." *signa* are constellations (*OLD* s.v. 13), which appear to move regularly east to west through the

night sky as the earth rotates (or, from C.'s geocentric perspective, where the stars are part of the outer sphere of the cosmos, the constellations move together with the sky). *caeli signorumque* is an example of hendiadys ("the sky and the constellations" → "heavenly bodies"). **uicissitudines rerum atque ordines** "the universe's ordered cycles of change," another hendiadys. *res* (plural) can mean "universe" (*OLD* s.v. 4; cf. e.g. Lucretius' *De rerum natura*). For the argument, cf. *N.D.* 2.15 *si quis in domum aliquam ... uenerit, cum uideat omnium rerum rationem modum disciplinam, non possit ea sine causa fieri iudicare, sed esse aliquem intellegat qui praesit ..., multo magis in tantis motionibus tantisque uicissitudinibus, tam multarum rerum atque tantarum ordinibus ... statuat necesse est ab aliqua mente tantos naturae motus gubernari.* **maiorum nostrorum sapientia:** C. claims that ancestral tradition is the clinching argument for the existence of the gods; cf. e.g. *Har.* 18 *ego uero primum habeo auctores ac magistros religionum colendarum maiores nostros* with Lenaghan. For the importance of the *mos maiorum* more generally, cf. §70n. *iuris publici, moris maiorum, rei denique publicae peritissimum.* **qui sacra, qui caerimonias, qui auspicia et ... coluerunt et ... prodiderunt:** a rising tricolon introduced by anaphoric *qui*, keeping the focus on the *maiores.* These ancestors did not "invent" religion, but rather tended it carefully and passed it on to the next generations. The general *sacra* ("sacred things" → "religious rites," *OLD* s.v. *sacrum* 3) is often accompanied by more specific related words; cf. e.g. *Dom.* 33 *de religione, de rebus diuinis, caerimoniis, sacris,* 42 *in sacris ... in auspiciis.* While the auspices may look like a very specific thing to mention, C. elsewhere claims that Roman religion was divided into *sacra, auspicia,* and other prophetic utterances, and the *auspicia* date back to Romulus himself (*N.D.* 3.5 [Cotta speaking] *omnis populi Romani religio in sacra et in auspicia diuisa* with Pease). C. had himself been recently made an augur, succeeding Crassus, either late in 53 or perhaps just before Milo's trial in 52 (*MRR* II.233, Linderski 1972: 190–9).

84 est, est illa uis profecto "it exists, of course that divine force exists." C. now proves the existence of god(s). *est* is existential: cf. §10n. *est.* Juxtaposed *est* within a clause is very rare (elsewhere in classical Latin perhaps only at Sen. *Her. F.* 523, copied at [Sen.] *Her. O.* 1130), but cf. §69 *<u>erit, erit</u> illud profecto tempus, Font.* 25 *<u>fuit, fuit</u> illis iudicibus diuinum ac singulare ... consilium, Catil.* 1.3 *<u>fuit, fuit</u> ista quondam in hac re publica uirtus*; for the emphatic *geminatio* more generally, cf. §21n. *Non fuit ... profecto non fuit cur.* The choice between *illa uis profecto* (CH) and *profecto uis illa* (ET) is close to a coin flip, but as HV[c] preserve the superior *est, est* (*est in* B, *est igitur* E, *est* T), their reading of the phrase as a whole is here tentatively preferred. Otherwise one might have a slight inclination

toward *profecto uis illa* as putting clearer emphasis on existential *est*, itself the point of the whole passage (cf. §69 *erit, erit illud profecto tempus*, where the emphasis is on *illud tempus*). For examples of *profecto* in such phrases, see *TLL* x.2.1670.62–1671.18. **in his corporibus atque in hac imbecillitate nostra** "in these infirm bodies of ours," another hendiadys. **inest quiddam quod uigeat et sentiat, non inest in hoc tanto naturae tamque praeclaro motu:** C. argues that since there is some kind of consciousness inside frail human bodies, so much more so must there be some divine animating force behind the great order of nature. Latin can place these two thoughts side by side in adversative asyndeton; English usually requires something to indicate the contrast. For the thought and construction, cf. *Leg.* 2.16 *quid est enim uerius quam neminem esse oportere tam stulte arrogantem ut in se rationem et mentem putet inesse, in caelo mundoque non putet?*; for the construction, see further Berry ad *Sul.* 32. For C.'s beliefs about the divine order of the universe and the soul, cf. e.g. *Rep.* 6.17–32 Powell, *Tusc.* 1 (*sentire et uigere* is a Ciceronian formula in such contexts: *Sest.* 47, *Rep.* 6.30 Powell, *Tusc.* 1.22, 66); his theological system, including a belief in life after death, may have been outside the Roman mainstream, but it was influential (Gildenhard 2011: 246–384, Cole 2013: 63–148). **nisi forte ... proinde quasi:** cf. §17nn. *nisi forte* and *proinde quasi.* **idcirco ... quia:** overdetermined language giving the impression of precise reasoning; cf. §6n. *idcirco.* **non putant:** the plural at a slight distance from the indefinite *quisquam* is as natural in Latin as the Engl. indefinite "they" ("if *someone* thinks ... *they* are wrong"): cf. K–S 1.24–5. **proinde quasi nostram ipsam mentem ... uidere ac plane qualis aut ubi sit sentire possimus:** ancient theorists debated the location of the mind, i.e. the seat of reason and consciousness. The heart and the brain were the two leading candidates (*Tusc.* 1.19 *alii in corde, alii in cerebro*), although other options were canvassed (e.g. the chest: Lucr. 3.139–40 *quod nos animum mentemque uocamus | ... situm media regione in pectoris haeret*). Rocca 2003: 17–48 summarizes scientific speculation before Galen, a decisively influential encephalocentrist. **qua sapimus, qua prouidemus, qua haec ipsa agimus ac dicimus:** C. argues that just because we cannot see something, that does not mean that it does not exist: the mind, although we cannot see it, manifestly exists. *mens* is emphatically focused in this rising tricolon by anaphoric *qua.* **ea uis igitur ipsa ... illam perniciem exstīnxĭt āc sūstŭlīt:** C. "concludes" (*igitur*) that divine providence caused Clodius' death; he deliberately creates the impression of reasoned logic, but there is no argument here, only assertion. *pernicies* ("bane," *OLD* s.v. 2) is relatively rare as a metonymy for a destructive person, but cf. *Ver.* 2 *labem atque perniciem prouinciae Siciliae*; elsewhere in this speech Clodius is called a *pestis* (cf. §33n. *si leges nominandae sunt ac non faces urbis, pestes rei publicae*;

for the two words combined, cf. *Rab. Perd.* 2 *pestem ac perniciem ciuitatis*). For similar language, cf. *Har.* 6 *T. Annius ad illam pestem comprimendam, exstinguendam, funditus delendam natus esse uidetur et quasi diuino munere donatus rei publicae.* The emphatic doublet *exstīnxĭt āc sūstŭlīt* allows for a double-cretic close. **felicitates:** the plural is almost unexampled (elsewhere Ter. *Eun.* 325), but, as is often the case with the plural of abstract nouns, it probably means "instances of happiness" (cf. §78n. *cupiditatibus fractis*); here it is also influenced by the plural *opes.* **cui primum mentem iniecit ut ui irritare ferroque lacessere fortissimum uirum auderet:** C. brings the argument around to his original claim, namely that Clodius set the ambush for Milo. The idea that the gods inspire madness in those whom they want to destroy is a commonplace: cf. e.g. Publil. *Sent.* S. 29 *stultum facit Fortuna quem uult perdere* (further Otto 692.13, Householder 1936); sim. §88 *di … mentem illi … dederunt ut huic faceret insidias.* Both *irrīto* (*OLD* s.v. 1) and *lacesso* (*OLD* s.v. 2) mean "provoke"; Clodius is reduced to a mere annoyance for the mighty Milo. The repetition of <u>*ui*</u> *irritare* after *ea* <u>*uis*</u> may be just coincidence, as the words are used in different senses (cf. §61n. *cui senatus totam rem publicam … commiserat*). **quem si uicisset habiturus esset impunitatem et licēntĭām sēmpĭtērnām:** only Milo could check Clodius: cf. e.g. §34n. *eum Milonem unum esse cum sentiret uniuersus populus Romanus,* §88 *Milo unus urgebat.* For *licentia,* cf. §78n. *licentia.* Here the forceful *sempiterna* gains further emphasis by standing at sentence-end, where it also creates a good clausula. The periphrastic subjunctive *habiturus esset* in a contrary-to-fact condition is very rare (*habiturus erat* is regular: K–S II.403), but the condition here is deeply enmeshed in a subordinate clause already in the subjunctive, and so *esset* has perhaps been assimilated. It is an entirely normal *constructio ad sensum* for the feminine implied gramatical subject (cf. *perniciem*) to become masculine (*habitur*<u>*us*</u>) under the influence of the logical subject (Clodius) after some intervening words (K–S I.27).

85 Non est humano consilio, ne mediocri quidem, iudices, deorum immortalium curā res īllă pērfēctā "it wasn't by human planning, members of the jury, nor even by any ordinary intervention of the gods that this was accomplished." The separation of *non est … res illa perfecta* allows for strong emphasis on the intervening words and a rhythmic close. *ne … quidem* here is an emphatic *neque* (*OLD* s.v. *ne* 6b); cf. §48n. *"igitur ne Clodius quidem … in Albano mansurus".* The point is that the intervention by the gods was extraordinary; for similar litotes, cf. *Luc.* 42 *non mediocrem curam … et diligentiam, N.D.* 1.6 *nec mediocrem … operam curamque.* **regiones … ipsae quae illam beluam cadere uiderunt:** *regiones* may seem unusual for e.g. *loci,* but cf. *Balb.* 13 *uos denique, mutae* <u>*regiones*</u>*, imploro, et … uos, maria,*

portus, insulae, litora! The unexpected word and the Christian tendencies of medieval scribes led to *religiones* in HV^{c}, which has found some favor with editors, but *religio* cannot mean "sacred *place*." For *belua*, cf. §32n. *in illa quidem tam audaci, tam nefaria belua.* **mehercule** "by Hercules!" an emphatic oath, used primarily by men and extremely common in C. Although etymologically one might expect *me Hercules* (sc. *adiuuet*: cf. §76n. *mediusfidius*), C. himself expresses a preference for *mehercule* (*Orat.* 157 *lubentius dixerim ... mehercule quam mehercules*), and the form prevails in C.'s MSS by a wide margin (Kinsey ad *Quinct.* 47, Nisbet ad *Pis.* 68), and so the *hercules* of HV^{c} should be rejected. C.'s form probably arose by contamination with the interjection *hercle/hercule*, likewise used for emphasis (voc. < Gk. *Ἥρακλος ~ Ἡρακλῆς). Because the phrase has been fully grammaticalized, *mehercule* seems the best orthography. **commosse se** = *commouisse se*, "to have roused themselves to action" (*OLD* s.v. 8). Some ancient theorists claim to have been bothered by beginning a word with the syllable with which the preceding word ended (e.g. Quint. *Inst.* 9.4.41), but in practice this applies only to extreme cases (Quintilian quotes C.'s infamous hexameter *o fortunatam natam me consule Romam*) or instances where the repetition creates *cacemphaton* (e.g. Serv. ad *Aen.* 2.27 *Dorica castra*, i.e. "*caca*" ~ *cacare*). While *se* does usually precede the perfect infinitive, other considerations can overcome this tendency: here *commosse se* avoids a heroic clausula (*commōssĕ uĭdēntūr*; elsewhere cf. e.g. §52 *prae se tulisse se*, avoiding *se se*, or *Quinct.* 25 *P. Quinctium non stetisse et stetisse se*, for emphasis). **ius [in illo] suum retinuisse** "to have retained their rights," a legal phrase (cf. e.g. *Ver.* 3.37 *suum ius retinere*, Gaius *Inst.* 2.30 *ius suum retinet*): while they seemed to permit Clodius' outrages at first, they punished him in the end. *in illo* would be odd for two reasons. First, "power over someone" is *ius in aliquem* (accusative); *ius in illo* would mean "in that area" or the like (cf. *TLL* VII.2.690.67–84, Garcia ad Ov. *Met.* 13.918). Second, in extant Latin *ius suum/suum ius* is not interrupted (exception: Liv. 3.11.2 *neque suum cuique ius modum faciebat*, where the tendency to keep *suum cuique* together is even stronger). *in illo* is thus probably an intrusive gloss. **uos enim ... uos, inquam, ... uosque:** C. explains his foregoing sentence by a high-style emotional appeal, notionally to the very place where Clodius met his end, the Alban hills. For the emphatic *geminatio*, cf. §21n. *Non fuit ... profecto non fuit cur*; the addition of *inquam* is typical (cf. §67n. *non iam hoc Clodianum crimen timemus, sed tuas ... tuas, inquam, suspiciones perhorrescimus*). **Albani tumuli ātquĕ lūcī ... imploro ātquĕ tēstōr:** more than just "hills and forests": *lucus* means "sacred grove" (*OLD* s.v. 1), and while *tumulus* does mean "hill" (< *tumeo* + *-ulus*), it is especially associated with grave mounds (*OLD* s.v. 2) and so perhaps has sacred connotations. The word *tumulus*

furthermore seems to have a particular connection with the Alban hills; cf. Verg. *Aen.* 12.134–6 *at Iuno ex summo (qui nunc Albanus habetur ...) | prospiciens tumulo campum aspectabat.* Unelided *atque*, in addition to yielding double-trochaic clausulae here, is a feature of elevated language, redolent of archaic Latin and prayers (cf. §78n. *ea quae tenetis priuata atque uestra*). **Albanorum obrutae arae ... quas ille praeceps amentiā ... substructionum insanis molibus oppresserat:** for Clodius' home renovation project, cf. §53n. *propter insanas illas substructiones.* The sacred groves seem to have provided construction material. For the language cf. *Ver.* 5.121 *praeceps amentiā ferebare,* Petr. 120 vv. 90–1 *perfossa dehiscit | molibus insanis tellus.* **sacrorum populi Romani sociae et aequales:** when Alba was sacked under Tullus Hostilius, the king ordered that the temples of the gods be spared (Liv. 1.29.6). A subsequent prodigy brought about the re-establishment of traditional Alban cult and the start of the Feriae Latinae, a festival held on the *mons Albanus* (Liv. 1.31.1–4 with Ogilvie; further Smith 2012). **uestrae tum religiones uiguerunt, uestra uis ualuit:** emphatic alliteration. The plural *religiones* refers to the various Alban cults. **tuque ex tuo edito monte Latiari, sancte Iuppiter:** *Latiaris* ("of Latium, Latin") was the epithet for Jupiter as worshipped on the summit of the *mons Albanus* (mod. Monte Cavo, elevation *ca.* 3,120 ft./950 m), which could itself be referred to as the *mons Latiaris* (*OLD* s.v. *Latiaris* b). On the fragmentary remains of the ancient sanctuary at the site, see Cecamore 1993. **cuius ille lacus nemora finesque saepe omni nefario stupro et scelere macularat:** no specifics of Clodius' supposed defilements are given, although *stupro et scelere* implies both sexual outrages and more general crimes. Evidently the mere presence of Clodius' villa in the Alban hills was enough to guarantee that he had desecrated the surrounding area. For the typical *A B Cque,* cf. §4n. *per uestram fidem uirtutem sapientiamque recreemur.* For *omni scelere,* cf. §24n. *P. Clodius, cum statuisset omni scelere in praetura uexare rem publicam.* **aliquando** "at (long) last"; cf. §4n. *aliquando.* **ad eum puniendum oculos aperuisti:** a commentary that cites parallels for "opening one's eyes" risks self-parody, but for eye-opening as a prelude to divine punishment, cf. Curt. 5.5.8 *ut uero Iouem illi tandem ... aperuisse oculos conclamauere, omnes pari supplicio affecti sibi uidebantur.* For the opposite, cf. §32n. *quibus si non adiuuantibus, at coniuentibus certe.* **uobis illae, uobis uestro in conspectu:** yet more emphatic and emotional repetition. **serae, sed iustae tamen et debitae poenae solutae sunt:** i.e., Clodius could have been punished long ago, but he got his just deserts in the end. *serus* is often followed by an adversative expression; with *poena* cf. Prop. 3.6.32 *poena erit ante meos sera sed ampla pedes,* Vell. 2.126.4 *poena in malos sera, sed aliqua. iustus* and *debitus* have some overlap in meaning (cf. Don. ad Ter. *An.* 36); the doublet is frequent in C. (cf. e.g.

Catil. 1.17 *odium ... iustum et ... debitum,* 1.20 *suppliciis iustis debitisque,* 3.23 *honores ... iusti ... ac debiti*). *poenas soluo* "pay the penalty" (*OLD* s.v. *soluo* 22) is a regular but less common version of *poenas do* (also *luo, pendo*).

86 nisi forte: cf. §17n. *nisi forte.* **hoc:** pointing forward to the noun clause introduced by *ut.* **ante ipsum sacrarium Bonae Deae ... ante ipsam, inquam, Bonam Deam:** the coincidence of the fight taking place in front of a shrine of the Bona Dea would have seemed literally heaven-sent to C., and fully merits emotional repetition (with heightening: first the shrine, then the goddess herself); it is also mentioned at Asc. 31C. The shrine is not, however, mentioned anywhere in the *narratio,* which is odd (cf. Dyck 1998: 237); one suspects that C. may be exaggerating here and that the shrine was merely somewhere nearby. Recent archaeological work may have located its remains: cf. §46n. *P. Clodium illo die in Albano mansurum fuisse.* A statuette of the Bona Dea, dating to the imperial period, has also been found in the general vicinity (precise find-spot unknown): Candilio and Bertinetti 2013. **T. Serti Galli:** otherwise unknown (*RE* s.v. *Sertius* 2). **imprimis** "especially" (a grammaticalized adverb from *in primis*). It is used in "introducing the leading member of a group" (*OLD* s.v. 1b); in C. especially, as here, with the adjective *honestus.* For further details of Ciceronian usage, see Parzinger 1912: 31–3. **cum proelium commisisset:** C. re-emphasizes *en passant* that Clodius was the ambusher. **primum illud uulnus acciperet:** *primum* ... *uulnus* implies that there were further wounds inflicted at another time and place, and so here (and only here) C. seems to acknowledge the version of events found in Asconius, in which Clodius was wounded three times, fled to a tavern in Bovillae, and was dragged out and finished off by Milo's men (Asc. 35C). (C. does imply that it was this first wound which killed him, which helps to quietly suppress Clodius' final moments.) This is either a slip or, more likely, evidence that this portion of the speech was added in revision when such distinctions no longer mattered. **quo taeterrimam mortem obiret** "in consequence of which he would meet a most gruesome death." Dwelling on the horror of Clodius' death would again be odd in the delivered speech and better fits the revised version. The subjunctive of *obiret* hovers somewhere between a result clause, a relative clause of characteristic, and simple attraction. **ut non absolutus iudicio illo nefario uideretur, sed ad hanc insignem poenam reseruatus:** Clodius had escaped conviction in the trial over the Bona Dea scandal, on which see Introduction pp. 2–3. For the conceit, cf. *Ver.* 1.71 *potestis dubitare quin istum fortuna non tam ex illo periculo eripere uoluerit quam ad uestrum iudicium reseruare?, Tog. Cand.* fr. 20a Crawford (= Asc. 87C) *o miser* [sc. *Catilina*] *qui non sentias illo iudicio te non absolutum uerum ad aliquod seuerius iudicium*

ac maius supplicium reseruatum, Clod. fr. 33 Crawford (= *Att.* 1.16.9) *erras, Clodi: non te iudices urbi sed carceri reseruarunt.* **Nec uero non** "and indeed moreover." *nec ... non* is an emphatic "and" (*OLD* s.v. *neque* 10); *uero* adds further emphasis (*OLD* s.v. 3). C. always interposes other words between *neque/nec ... non.* Juxtaposed *nec non* as a grammaticalized phrase (*OLD* s.v. *neque* 10b) is primarily poetic and post-Augustan, although it is also a favorite of Varro's (18x in his extant prose). **hanc eius satellitibus iniĕcit āmĕntiăm:** the separation *hanc ... amentiam* emphasizes "this madness" while securing a double-cretic clausula; the phrase *iniecit amentiam* perhaps recalls §84 *cui ... mentem iniecit*: the gods have driven both Clodius and his followers mad. *satelles* is often used contemptuously either of attendants generally ("lackey," *OLD* s.v. 1) or of violent partisans and criminal accomplices specifically (*OLD* s.v. 2). If this or a line like this was in the delivered speech, the emphatic *hanc* may literally have been deictic, accompanied by a gesture to the damaged Curia. **ut sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamentis, sine laudationibus, [sine funere]:** on these typical accompaniments of an aristocratic funeral, cf. §33n. *spoliatum imaginibus, [exsequiis,] pompa, laudatione.* In this passage *ludi* = *ludi funebres* ("funeral games"); their precise nature is unclear, but given their joining here with *cantus*, we should perhaps imagine theatrical performances (cf. Suet. *Jul.* 84.2 *inter ludos cantata sunt quaedam ad miserationem et inuidiam caedis eius accommodata*, App. *BC* 2.146). Funeral games could also feature gladiatorial combat, a custom dating back to the third century BC (Liv. *Per.* 16, 23.30.15; further Ville 1981: 57–88), but in other contexts C. distinguishes *ludi* from gladiatorial shows (*TLL* VII.2.1783.61–5). *sine funere* would most naturally mean "without funeral rites," i.e. summarizing the foregoing clauses, but such a bald summation would be surprising here, where one expects another parallel item. *funus* could perhaps mean something more specific, like "bier" (cf. Suet. *Dom.* 15.3 *euenit ut repentina tempestate deiecto funere semiustum cadauer discerperent canes*, so too Prop. 2.13.34), but then why not just *sine rogo*? The word is associated with cremation (Serv. ad *Aen.* 2.539 *"funus" ... est iam ardens cadauer*), but Clodius clearly was cremated, and it seems hard to interpret *sine funere* as "without *proper* rites of cremation." Deleting the phrase as an intrusive gloss, which encapsulates in a phrase the burden of this long sentence, cuts the Gordian knot. **oblitus cruore et luto** "covered with mud and blood"; *oblĭtus* < *oblĭno* "smear," not *oblītus* < *oblīuiscor.* **spoliatus illius supremi diei celebritate ... ambureretur abiectus:** cf. §33 *spoliatum.* Here *celebritas* cannot mean "the state of being crowded" (*OLD* s.v. 1–2), since Clodius' funeral was attended by a mob. If the word is correct, it seems to mean "solemn rites" or the like. On *abiectus*, cf. §33n. *abiecisti.* **cui cedere inimici etiam solent:** cf. §33n.

quam erat humanitatis meae postulare. For the position of *etiam,* cf. §46n. *seruum etiam ... corruperit.* **clarissimorum uirorum formas:** i.e., the funeral masks of Clodius' distinguished ancestors (more usually referred to as *imagines maiorum,* but see *OLD* s.v. *forma* 14, *TLL* VI.1.1082.15–29). Wax portrait-masks of those who had held at least the aedileship were displayed in a sort of family tree as an adornment to aristocratic homes; they were brought out and worn by actors in public funeral processions for deceased family members: on *imagines maiorum* and their role in Roman culture, see comprehensively Flower 1996 (91–127 on masks at funerals, 185–222 on masks at home). *clarissimus uir* is a stock honorific that in the Empire comes to refer specifically to senators (*OLD* s.v. *clarus* 7). **parricidae:** not Engl. "parricide" but rather "traitor" (*OLD* s.v. 3b): see §18n. *quae ... sanguine imbuta est.* **mortem eius lacerari** "that his corpse should be torn apart." *mors* here, especially with the vivid *lacero* ("tear, rend, mangle, lacerate [bodies or limbs]": *OLD* s.v. 1), at least approaches referring to the actual dead body (*OLD* s.v. *mors* 5a, a rare and usually late usage: H–S 749), but it is also chosen to provide a vivid contrast with the following *uita*: cf. *Clu.* 201 *nunc uero quid erit profectum nisi ut huius ex mediis mortis insidiis <u>uita</u> ad luctum conseruata, <u>mors</u> sepulcro patris priuata esse uideatur?*, *Sest.* 83 *eius igitur <u>uitam</u> quisquam spoliandam ornamentis esse dicet, cuius <u>mortem</u> ornandam monumento sempiterno putaretis?* **in quo esset uītă dāmnātā:** maliciously vague language; although Clodius was cremated in the Senate House, he had not been condemned by the senate (cf. §73n. *eum cuius supplicio senatus sollemnes religiones expiandas saepe censuit*). The subjunctive is in secondary sequence following *fuisse*; primary sequence dependent on *credo* is equally legitimate (cf. §47n. *quod ne suspicari quidem potuerim, uidear id cogitasse*). The word order allows *esset* to cliticize on the relative pronoun and secures a cretic-trochaic clausula.

87 Dura ... Fortuna populi Romani et crudelis: C. again invokes the *Fortuna populi Romani* (cf. §83n. *Fortuna populi Romani et uestra Felicitas et di immortales*). Her apparent harshness is focused by placing *dura* in first position with hyperbaton, by the oath *mediusfidius* (cf. §76n. *mediusfidius*), and by the "good men and true" word order (cf. §42n. *omnia ... intuemur*). **quae tot annos illum in hanc rem publicam insultare pateretur** "because for so many years she had allowed him to trample on this republic of ours." In Latin, the present tense is used for "*has been doing* for a long time," the imperfect for "*had been doing* for a long time": A–G §§466, 471b (quite normal usage in languages without a present perfect continuous; cf. e.g. Fr. "j'habite à Paris depuis longtemps"). *insulto,* lit. "leap upon" (< *in-* + *salto*), early develops the sense "behave insultingly" (*OLD* s.v. 3), but the etymological image is probably still felt (cf. e.g. Ov. *Pont.* 4.3.27–8

insultare iacenti | ... *mihi*). *pateretur* is subjunctive in an explanatory *qui*-clause (*NLS* §§156–7). **polluerat ... putaret:** a long sentence that effectively recapitulates all of Clodius' supposed bad behavior while masquerading as a new argument. The staccato series of short clauses in asyndeton (cf. §18n. *comprehensus est*), beginning here with a fronted explanatory verb, creates the impression of a potentially endless catalogue, as do the repeated parallel verbs (fourteen consecutive pluperfects followed by four imperfects), while variation and rhetorical figures within and between the short clauses preserve a lively feel. Clark well compares the catalogue in *Att.* 8.8.1. **polluerat stupro sanctissimas religiones:** on the Bona Dea scandal, see Introduction pp. 2–3; for the plural *religiones* and more generally, cf. §73n. *eum cuius supplicio senatus sollemnes religiones expiandas saepe censuit.* **senatus grauissima decreta perfregerat:** again, none is specified. **pecunia se a iudicibus palam redemerat:** C. famously claims that Clodius bribed the jury in the Bona Dea trial, on which see *Att.* 1.16 (e.g. 1.16.11 *omnes illi fautores illius flagiti rem manifestam illam redemptam esse a iudicibus confitentur*). Here *pecunia* is scornfully emphasized by being placed first, where its focus is further made clear by its supporting the enclitic *se.* **uexarat ... uexarat:** a catalogue of tribunician sins in ring composition. **uexarat in tribunatu senatum:** for Clodius' legislative activities as tribune, see *MRR* II.195–6, with extensive discussion in Tatum 1999: 114–75. His *popularis* measures included restoring the *collegia* (cf. §26n. *seruos agrestes et barbaros ... ex Appennino deduxerat*), instituting a grain dole, loosening regulations restricting public assemblies, and limiting the powers of the censors (four bills that were promulgated the day he assumed office!). **omnium ordinum consensu pro salute rei publicae gesta:** an elaborately defensive way to refer to C.'s execution without trial of the Catilinarian conspirators. C. is always keen to emphasize that he acted for the safety of the Republic and with the senate's full backing (cf. §8n. *me consule senatus non nefarius haberi*). Here he goes further, claiming the support of the whole Roman people (doubtless an exaggeration, although not without some real basis; cf. e.g. Plut. *Cic.* 22.5–7) and referring somewhat vaguely to *gesta* (cf. the evasive Engl. "mistakes were made"). **resciderat:** C. implies that Clodius literally "rescinded" officially approved decrees connected to the Catilinarians (*OLD* s.v. 3); this is a tendentious misrepresentation of Clodius' effective legal repudiation of the senate's decree of 5 December 63 authorizing the execution of the conspirators. For the usage with *gesta,* cf. *Dom.* 2 *ea quae ... gesta sunt rescinduntur.* **me patria expulerat, bona diripuerat, domum incenderat:** cf. e.g. *Sest.* 54 *bona diripiebantur ... domus ardebat in Palatio.* When C. was in exile, Clodius razed his house and built a shrine to *Libertas* on the site: see Introduction p. 3. **liberos, coniugem meam**

uexarat: C.'s family clearly suffered while he was away, although the specifics are mostly unknown (cf. *Fam.* 14.2.2, written from exile: *te nunc, mea Terentia, sic uexari, sic iacere in lacrimis et sordibus*). Elsewhere C. can attribute this treatment to the consuls: cf. *Sest.* 54 *uexabatur uxor mea, liberi ad necem quaerebantur* with Kaster; further *Dom.* 59, *Cael.* 50, *Prov.* 3. **Cn. Pompeio nefarium bellum indixerat:** a reference to Clodius' abruptly turning on Pompey in 58 (see §21n. *fuisse illum sibi inimicum*), particularly pointed now that they have supposedly been reconciled; cf. §88n. *nouo reditu in gratiam sibi deuinctum arbitrabatur.* **magistratuum priuatorumque caedes effecerat:** more vague language or perhaps rhetorical exaggeration; cf. the Clodian violence described in §37. Clodius did not perpetrate the slaughter with his own hands but rather brought it about, hence *effecerat. magistratus* can refer both to the office (*OLD* s.v. 1) and the office-holder (*OLD* s.v. 2); here the latter. **domum mei fratris incenderat:** 3 November 57; see *Att.* 4.3. **uastārāt Ētrūrĭām:** cf. §26n. *quibus siluas publicas depopulatus erat Etruriamque uexarat.* Fronting the verb creates *uarietas* and a double-cretic clausula. **multos sedibus ac fortunis eiecerat:** cf. §§74–5. **instabat, urgebat:** the shift to the imperfect, with these two words juxtaposed in asyndeton, seems to emphasize how Clodius not only had done in the past the actions of the preceding fourteen pluperfect verbs, but just kept going and going. *insto* and *urgeo* both mean "press hard"; the doublet is common in C.: cf. e.g. *Att.* 1.13.3 *instat et urget Cato* (further *Ver.* 24, 1.75, *Font.* 44, *Planc.* 48). **capere eius amentiam ciuitas, Italia, prouinciae, regna non poterant:** Clodius' madness knows no bounds; there is a neat increase in geographical terms (cf. e.g. §77 *populum Romanum, cunctam Italiam, nationes omnes*), culminating in the prejudicial *regna.* For *capio* "contain," see *OLD* s.v. 25. **incīdebantur iam domi leges quae nos seruis nostris addicerent** "laws were already being engraved at his house which would makes us the slaves [*OLD* s.v. *addico* 6b] of our own slaves." Although it is unlikely that a praetor at this time would have introduced an extensive legislative program, C. continues to allege with vague innuendo that Clodius was plotting all sorts of nefarious measures: cf. §33 with notes. Here he may refer to a proposal to distribute the freedman vote, restricted to the four urban tribes, among the thirty-one rural tribes as well, which would dramatically increase the influence of freedmen in elections (so Asc. 52C, who may be guessing; cf. §22n. *iam ab adulescentia documenta maxima* on the same proposal of the tribune C. Manilius in December 67, and *De aere alieno Milonis* frr. 17–18 Crawford). When C. hyperbolically says "make us the slaves of our own slaves," he perhaps just means "we would be outvoted by our former slaves" (Treggiari 1969: 50). A Roman statute was first proposed by a magistrate in the form of a question (*rogatio*), which was then publicized for a

period of three market days (*promulgatio* over a *trinundinum*) and sometimes debated in *contiones*; it was then voted on by one of the assemblies of the Roman people, and if it passed it became a *lex* (Crawford 1996: 1.9–14). Statutes passed by the assembly were engraved in bronze for public display on the Capitoline Hill (evidence in Crawford 1996: 1.25–7; discussion in Williamson 1987, 1995). Clodius of course was not yet a praetor, and so his hypothetical proposal had not yet even become a promulgated *rogatio*, still less a duly passed law; C. suggests that Clodius has outrageously skipped over two steps in his wanton overconfidence – to say nothing of the bizarre idea that the engraving was taking place at his own home! All of this is doubtless rhetorical exaggeration. In §89 C. will go further and claim that Clodius will make other people's slaves his own freedmen (and hence control their votes). **nihil erat cuiusquam, quod quidem ille adamasset, quod non hoc anno suum fore putaret:** for the thought, cf. *Ver.* 4.42 *nihil esse quod quisquam putaret se, quod isti* [= *Verri*] *paulo magis placeret, conseruare aut domi retinere posse.* For *quod quidem*, cf. §3n. *quae quidem est ciuium.* The compound *adamo* is not found before C. and is almost exclusively used in the perfect stem; it is effectively inchoative, meaning "come to love" → "covet" (*OLD* s.v. 3). *putaret* is subjunctive in a relative clause of characteristic with a negative antecedent; cf. §58n. *quod minus moleste ferat.*

88 cogitationibus "plans" (*OLD* s.v. 7); cf. §32n. *in illis suis cogitatis furoribus.* **illum ipsum** = Pompey. **nouo reditu in gratiam sibi deuinctum arbitrabatur:** Clodius and Pompey had been reconciled since the conference of Luca in April 56 (cf. §21n. *fuisse illum sibi inimicum*); C. reduces nearly four years to *nouo reditu.* Again, reference to Clodius' friendship with Pompey, combined with a thinly veiled critique of Pompey's inaction, looks like a post-trial addition. The reading *deuinctum* "bound, laid under obligation" (PV[c]) is clearly superior to *deuictum* "conquered" (HET) and corruption of the former into the latter is trivial. The universally transmitted *quasi*, however, is unnecessary; *quasi* is never found elsewhere with *deuincio.* Lambinus' *sibi* restores normal idiom (cf. e.g. *Fam.* 1.7.3 *uirum ... tibi ... deuinctum*). **Caesaris potentiam suam esse dicebat:** only the second time Julius Caesar is mentioned in this speech (cf. §66n. *oppugnata domus C. Caesaris ... nuntiabatur*). Despite rumors of an affair with Caesar's wife Pompeia arising from the Bona Dea scandal, Clodius had enjoyed Caesar's friendship for nearly a decade by this time (see e.g. Tatum 1999: 67–70, 108–12, 204, 207, 318 n. 199; there may have been a short-lived rift in the middle of 58: see Grillo ad *Prov.* 43). On the negative connotations of *potentia*, cf. §12n. *meam potentiam inuidiose criminabatur.* Cruquius' (and independently Bake's) *ducebat* ("considered") for *dicebat* is at first sight tempting, bringing about parallelism with

arbitrabatur, but Clodius apparently really did say these sorts of things in public: cf. *Sest.* 39 *C. Caesar ... inimicissimus esse meae saluti ab eodem* [= *Clodio*] *cottidianis contionibus dicebatur*, *Har.* 47. **bonorum animos in meo casu contempserat:** i.e., in securing C.'s exile Clodius had shown that he did not care about the opinion of the *boni* (on whom cf. §5n. *pro bonis contra improbos*). **Milo ūnŭs ūrgēbāt** "only Milo pushed back." An alliteratively emphatic short conclusion, placed in contrastive asyndeton and featuring a cretic-trochaic clausula. C. deliberately repeats *urgebat*, which he had just used of Clodius. **Hic** "it was at this point" (*OLD* s.v. 6). **di immortales ... mentem illi perdito ac furioso dederunt ut huic faceret insidias:** C. here returns to the main theme of this section, viz. that Clodius was slain by divine providence; cf. §84n. *cui primum mentem iniecit ut ui irritare ferroque lacessere fortissimum uirum auderet.* For *perdito*, cf. §4n. *a perditissimis ciuibus*; for *furioso*, cf. §3n. *P. Clodi furor*; for the formulaic *di immortales*, cf. §40n. *qui locus, quod tempus illud, di immortales, fuit!* **ut supra dixi** "as I said earlier," a common phrase (21x in C., although only here in a speech). *supra* (lit. "above") cannot be used as evidence that this portion of the speech was added in written revision, since the metaphorical use is common (L&S s.v. I.B.1, better than *OLD* s.v. 3–4): cf. e.g. *Caec.* 14 *quem supra deformaui* ("the man I've just described"). **aliter perire pestis illa non potuit:** the word order lays strong emphasis on the idea that there was no other way Clodius could have died. For *pestis*, cf. §33n. *si leges nominandae sunt ac non faces urbis, pestes rei publicae.* **numquam illum res publica suo iure esset ulta:** again, the word order strongly emphasizes that *never* would the Republic have exacted legitimate (*OLD* s.v. *ius* 10c) vengeance. **senatus, credo, praetorem eum circumscripsisset** "the senate, I'm sure, would have checked him if he'd become praetor." *credo* marks the irony (cf. §22n. *credo*). For *circumscribo* "restrict the powers of a magistrate" (*OLD* s.v. 5), cf. *Phil.* 2.53 *circumscriptus a senatu ... Antonius.* Here *praetorem* = *si praetor factus esset*; cf. e.g. *Amic.* 11 *quid igitur hunc paucorum annorum accessio* [= *si pauci anni accessissent*] *iuuare potuisset?* (K–S II.431). **ne cum solebat quidem id facere, in priuato eodem hoc aliquid profecerat:** the senate had failed to check Clodius when he was a private citizen (and so still less could they stop him as praetor). Asconius (52–3C) takes this as a reference to the Bona Dea scandal, which began in early December 62 (*Att.* 1.12.3), shortly before Clodius took office as quaestor (5 December) – but he was in office (and no longer *priuatus*) by the time the senate was discussing the case. It seems more likely that C. refers to a time or times when Clodius actually was a *priuatus*, such as the year between his tribunate in 58 and his aedileship of 56. It is admittedly hard to see how the senate – as opposed to a prosecutor (cf. §40n. *P. Clodium in iudicium bis, ad uim numquam uocauit* on Milo's two attempted

prosecutions of Clodius in 57) – could constrain someone who was not even a magistrate, but C. would not be cross-examined on this point. For *hoc* referring to Clodius, cf. §79n. *huius ergo interfector si esset.* Here *solebat* is hard, not least because it seems to imply a criticism of current senatorial inaction. If the reading is right (it is transmitted by the MSS and the lemma to Asconius), it points to another post-trial addition, when C. would not have to worry about alienating one third of the jurors. Bake's *uolebat* is attractive: "even when they wanted to, they couldn't (and now, given Clodius' powerful allies, they have even less of a chance)." When a subordinate clause is emphasized by *ne ... quidem*, the phrase encloses both the introductory word and the focus of the sentence; cf. e.g. *Sen.* 68 *senex ne quod speret quidem habet* (K–S II.55).

89 an: indicating surprise or indignation; cf. §8n. *An est quisquam qui hoc ignoret* and §90. **habuisset suos consules** "he would've had the consuls on his side [*OLD* s.v. *suus* 13c]," namely P. Plautius Hypsaeus and Q. Caecilius Metellus Pius Scipio: see §32n. *ut iis consulibus praetor esset.* **per quem tribunum uirtutem consularem crudelissime uexatam:** in this reference to his exile at the hands of Clodius the tribune, C. has chosen his words with care. After *consul* in the main clause he seems to imply that Clodius had harassed him while he was consul (i.e., *uirtutem consularem* might mean *uirtutem consulis*; cf. §62n. *necis Clodianae*), but in fact C. was long an ex-consul (*consularis*) by this time. C.'s statement is true, but phrased for maximum rhetorical effect. **oppressisset omnia, possideret, teneret:** a thuddingly emphatic descending tricolon; the tenses indicate that after Clodius had seized everything by surprise, he would continue to hold on to it. **lege noua ... seruos nostros libertos suos effecisset:** a still more damning charge than simply wanting to reallocate the freedman vote. It is hard to see how Clodius literally could have manumitted other people's slaves, but C. is doubtless repeating wild rumors and playing on his audience's fears. (Otherwise Loposzko 1978–9, suggesting that Clodius' law was intended to regulate the status of informally manumitted slaves, who under law were still *serui* at this time.) Clodius does seem to have gone around giving slaves some hope of freedom (*Att.* 4.3.2 [23 November 57] *uicatim ambire, seruis aperte spem libertatis ostendere*), but this is quite different from forced manumission by law. **quae est inuenta apud eum cum reliquis lēgĭbūs Clōdĭānīs:** this phrase was suspected by Bake 1852: 297 as a gloss, as it supposedly interrupts the flow of the sentence. More importantly, one might object that it contradicts §33, where Sextus Cloelius is said to have snatched the *librarium* containing Clodius' laws out of his house; there should thus have been nothing to be found at Clodius' house (*apud eum*). But the

slight contradiction seems immaterial, especially after C. has just been talking about laws being engraved on bronze at Clodius' house, and the word order (*est* cliticizing on the relative pronoun) and rhythm are Ciceronian. C. is not interrupting the flow of the sentence; he is rather lingering emphatically on Clodius' supposed wicked legislative activities. One might also question the adjective *Clodianis*: in general a law passed by Clodius is a *lex Clodia* (cf. *Sest.* 69, *Att.* 3.23.3), but the form *Clodian-* here may be used because these are not actual laws, merely Clodius' (alleged) ideas. Tony Corbeill cleverly suggests (*per litt.*) reading *Cloelianis*, getting in an additional dig at Sex. Cloelius, Clodius' legal draftsman (cf. §33n. *Sexte Cloeli* for the man and the ubiquitous confusion of *Clodius/Cloelius*); at §33 *librarium illud legum uestrarum*, the laws belong to both Clodius and Cloelius. *Clodianus*, however, is common and *Cloelianus* otherwise unattested, and although Cloelius will be alluded to in the next section, here C. probably wants to keep the focus squarely on Clodius and his nefarious legislation. **nisi:** used to restrict an apodosis that is generally true to a single case where it is not: divine intervention was the only way Clodius could have been stopped. Cf. §20n. *ex quibus si me non.* **homo effeminatus fortissimum uirum:** the typical contrast between negative (or neutral) *homo* and positive *uir* (cf. §25n. *ubi uidit homo ... uirum*) is here amplified by the pointed *effeminatus* (cf. §55n. *quamquam paratus in imparatos Clodius, tamen mulier inciderat in uiros*). **hodie rem publicam nullam haberetis:** *nullam* placed emphatically as a strong replacement for *non*; cf. §14n. *nouam quaestionem nullam haberemus.* A textbook case of a past contrary-to-fact protasis (*nisi ... impulissent*, pluperfect) with present effect (*hodie ... haberetis*, imperfect).

90 ille praetor, ille uero consul, ... ille denique uiuus: a tricolon that looks as if it will introduce a rising career progression, but in the third member emphatically switches to the mere idea of Clodius being alive at all. For capping *denique*, cf. §20n. *agri denique ipsi.* **si modo** "if in fact," expressing doubt (*OLD* s.v. *modo* 3a). In this hyperbolic statement C. is imagined to gesture at his surroundings (*haec templa* etc.; for the importance of place in C.'s speeches more generally, see Vasaly 1993). **mali nihil:** perhaps emphatic word order, as *nihil* (...) *mali* is much more common (cf. §54). For similar possible emphasis, cf. e.g. *Tusc.* 1.16 *post mortem mali nihil est.* **cui mortuo unus ex suis satellitibus [Sex. Cloelio duce] curiam incenderit** "for whom even when he was dead one of his followers set fire to the Curia." The text printed here is Clark's emendation for the jumble of the MSS (*cui mortuus uno* E, *cum mortuus uno* T, *qui mortuo unus* H); humanists had conjectured *qui mortuus uno.* While the nominative *qui mortuus* is superficially attractive to balance the foregoing *uiuus ... fecisset*,

Clodius was not the one to set the Curia aflame, and C. goes on in the following sentences to emphasize this fact (cf. the parallel *cum tantum ausus sit ustor* [= Cloelius] *pro mortuo* later on in this section). The sentence should thus refer to Cloelius as the arsonist as well, and in evaluating this clause editors seem to have ignored the following sentences. Clark's conjecture also puts proper emphasis on *unus*: "just one" was able to accomplish this (so too the following *ab uno* in contrast to *a multitudine*); indefinite *uno ex suis satellitibus duce* would be un-Ciceronian (cf. §65n. [*ab uno de illis*]). *Sex. Cloelio duce* is then a gloss based on Asc. 33C *populus duce Sex. Cloelio scriba corpus P. Clodi in curiam intulit cremauitque* (cf. Asc. 55C *Sex. autem Cloelio ... auctore*). For *suus* referring to a prominent person in a sentence, not its grammatical subject, cf. §37n. *monumentum sui nominis. incenderit* is subjunctive in a relative clause of characteristic. For *satelles*, cf. §86n. *hanc eius satellitibus iniecit amentiam.* **quo quid miserius ... uidimus:** "What have we seen more wretched ... than this?" The formula is common; cf. e.g. *Phil.* 1.10 *quo quid potest esse grauius?* Here it is emphasized by an ascending tricolon in anaphora. **templum ... funestari:** C.'s extraordinary description of the Curia is designed to focus the audience's attention on the burning of the building, which had roused general indignation (*indignationem ciuitatis mouerat,* Asc. 33C). The accusative with infinitive here is a lively and colloquial indignant exclamation; cf. e.g. Verg. *Aen.* 1.37–8 *mene incepto desistere uictam | nec posse Italia Teucrorum auertere regem!* (see Austin ad loc.; further K–S 1.719–21, H–S 366). Repunctuating with Meyer 1868: 699 *quo ... quid lūctŭōsĭūs? uīdĭmūs templum ... funestari* is highly improbable, creating a rare hypodochmiac clausula instead of a typical double cretic. **templum sanctitatis, amplitudinis, mentis, consili publici:** the Curia literally was a *templum,* i.e. an inaugurated sacred space (Liv. 1.30.2, Varro ap. Gel. 14.7.7, *LTUR* 1.331), and so burning the building is not just outrageous but sacrilegious. Temples are by definition "sacred," but the senate itself is frequently described as *sanctus* too (e.g. *Catil.* 1.9 *in hoc orbis terrae sanctissimo grauissimoque consilio*; cf. Serv. auct. ad *Aen.* 1.426 *senatus sanctissimus ordo dicitur*), and *amplus* is a perpetual epithet for the senatorial order (cf. §4n. *amplissimorum ordinum delectis uiris*). *publici* goes with *mentis* and *consili* but agrees with its nearest antecedent (cf. §19n. *Atqui si ... certe*); for *mentis publ.*, cf. *Har.* 58 *senatum ... principem salutis mentisque publicae.* With *consili publici* "public deliberation," cf. e.g. *Leg.* 3.28 *senatus dominus ... publici consili.* **caput urbis:** the variant *orbis* (CH) seems overblown and would spoil the rise from *urbis* to *sociorum* to *omnium gentium.* Nevertheless, cf. *Phil.* 3.34 *amplissimi orbis terrae consili principes,* 4.14 *senatum, id est orbis terrae consilium,* 7.19 *summo consilio orbis terrae, Catil.* 1.9 (quoted in the previous note). *urbis* and *orbis* are constantly confused in medieval MSS (see

TLL IX.2.907.23). **aram sociorum, portum omnium gentium:** cf. *Ver.* 5.126 *hic portus, haec arx, haec ara sociorum, Off.* 2.26 *regum, populorum, nationum portus erat et refugium senatus.* For these metaphors more generally, see *OLD* s.vv. *ara* 4 (rare: *TLL* II.388.11–23), *portus* 2 (common: *TLL* X.2.62.52–63.77). **ab uniuerso populo ... uni ordini:** a favorite Ciceronian contrast; cf. §34n. *eum Milonem unum esse cum sentiret uniuersus populus Romanus.* **inflammari, exscindi, funestari** "set aflame, gutted, and defiled by a corpse," a tricolon of horrors. This passage appears to be our only ancient suggestion that the Senate House was literally "destroyed" (OLD s.v. *exscindo* 1, "demolish or destroy [towns, buildings]") as opposed to merely being caught up in the conflagration and damaged. While the damage must have been extensive – repairs were entrusted to Faustus Cornelius (*RE* 377) Sulla, the dictator's son and the twin brother of Milo's wife, Fausta (Dio 40.50.2) – we probably should not imagine that the structure literally burned down to the ground: Asconius speaks of a fire, but not of total destruction (Asc. 33C; cf. Dio 40.49.2), and if the building really had been "destroyed," surely Asconius would have said so and C. would have emphasized its destruction much more than he does in this speech (cf. §13 *incendium curiae*). The perhaps exaggerated phrasing here is evocative, intentionally or not, of some of C.'s favorite lines of Ennius: *haec omnia uidi inflammari, | Priamo ui uitam euitari, | Iouis aram sanguine turpari* (Enn. *scen.* 92–4 Jocelyn, from the *Andromacha*: *Sest.* 121, *Tusc.* 1.85, 3.45). For *funesto* ("pollute with blood"), cf. *Rab. Perd.* 11 *funestari contionem contagione carnificis ueto.* **neque id fieri a multitudine imperita ... sed ab uno:** tendentious in the extreme, even if Cloelius was the one who lit the funeral pyre. On Asconius' more probable testimony, the Curia was burned by the *populus* under Cloelius' leadership (Asc. 33C). In C.'s contemptuous descriptions of "the masses" (*multitudo*), *imperita* is a standing epithet (*TLL* VIII.1601.15–18; cf. §62n. *sed non nullorum etiam imperitorum*). For the emphatically repeated preposition (omitted in H, which admittedly avoids a hexameter clausula), cf. §10n. *si in uim et in tela.* **quamquam esset miserum id ipsum:** *id ipsum* refers to the preceding clause; cf. e.g. *Planc.* 5 *si tantum modo mihi necesse esset contra Laterensem dicere, tamen id ipsum esset in tanto usu nostro tantaque amicitia molestum.* **qui cum tantum ausus sit ustor pro mortuo, quid signifer pro uiuo non esset ausurus?** parallelism (*ausus sit* ~ *esset ausurus*) and pointed contrast (*ustor pro mortuo* ~ *signifer pro uiuo*) in chiastic arrangement underscore the point: if Clodius were alive, things worse even than burning the Curia would come to pass. *ustor* "one employed to burn dead bodies" (*OLD* s.v.) is a rare word in extant texts, but seems to have a contemptuous connotation (e.g. Luc. 8.738 *sordidus ustor*, Catul. 59.5). *signifer* ("standard-bearer [of a cause, party]": *OLD* s.v. b) can be positive or

negative depending on the cause (cf. *Dom.* 13 *signifer seditionis, Planc.* 74 *causae nostrae duces et quasi signiferi*). For the tense of *ausus sit,* cf. §82n. *cum tantum … ausus essem.* **in curiam potissimum abiecit:** *in curiam* is focused by being placed first and by *potissimum,* which regularly follows what it emphasizes (*TLL* x.2.356.38–72). For *abiecit* (the *uox propria* for discarding an unburied body), cf. §33n. *abiecisti.* **ut eam mortuus incenderet quam uiuus euerterat:** more pointedly contrasting parallelism. C. puns on *euerto* "overturn" → "demolish" a structure (cf. e.g. *Dom.* 101 *domum meam euersam, TLL* v.2.1030.25–79) and *euerto* "overturn" → "ruin" institutions or policies (cf. e.g. *Dom.* 41 *pontifices et auspiciorum religione augures totum euertunt tribunatum tuum, OLD* s.v. 5b). Here it makes sense to say that the dead Clodius set fire to the Curia (*mortuus incenderet*); this may have contributed to the textual confusion above.

91 Et sunt qui de uia Appia querantur, taceant de curia: C. claims it is preposterous for his opponents to try to stir up outrage about Clodius' death on the Appian Way (cf. §17 with notes) while ignoring the (much worse) burning of the Curia; juxtaposition and chiasmus point the contrast, with *curia* placed emphatically last (as in the following parallel contrast). *et* here introduces an indignant question (*OLD* s.v. 15; better *TLL* v.2.890.68–891.18, K–S II.6); cf. e.g. §101 *et erit dignior locus ullus in terris qui hanc uirtutem excipiat quam hic qui procreauit?* For *sunt qui,* by which C. reports and distances himself from the opinion of unspecified others, cf. §47n. *fuisse qui … diceret.* **qui ab eo spirante forum putent potuisse defendi, c̲uius non restiterit c̲adāuĕrī c̲ūrĭā̆:** another chiastically arranged contrast whose second half, again culminating in *curia,* is underscored by alliteration and a double-cretic clausula. *ab eo* = "from him," not "by him." *spiro* "breathe" → "live" (*OLD* s.v. 2) is first found here and is mostly poetic; in C. and other prose authors it is more often combined with *uiuo/uiuus* (cf. e.g. *Sest.* 108 *quis … non indignissimum facinus putauit illum … uiuere ac spirare?*; cf. Engl. "living and breathing"). It fits the high style of the present passage. For *potuisse defendi,* cf. §78n. *hoc P. Clodio uiuo contingere potuisse.* **excitate, excitate ipsum … a mortuis:** a return to the idea of §79. For the emotional *geminatio,* cf. §21n. *Non fuit … profecto non fuit cur.* **cuius uix sustinetis furias insepulti:** *furiae* = "avenging rage or fury" (*OLD* s.v. 2b), at first sight an unexpected choice, since the Furies are goddesses who take vengeance for blood-guilt and their rage is usually just (cf. e.g. *Sul.* 76 with Berry). C. thus might seem to imply that Clodius had been wrongly murdered. Perhaps the Furies are mentioned here simply because Clodius is unburied (*insepulti*). More generally, however, C. invokes *furiae* often (see Dufallo 2007: 36–52), particularly with reference to Clodius (cf. e.g. *Dom.* 99, 102, *Har.* 11, *Sest.* 33, 39, *Vat.* 33, 40,

Fam. 1.9.15). It seems likely that C.'s constant association of the word with the "mad" Clodius, combined with the reference to an unburied corpse, induced him to use it here with little thought of its possible further implications. **nisi uero:** cf. §8n. *nisi uero.* **eos qui cum facibus ad curiam concurrerunt:** this certainly seems to imply that Sextus Cloelius was not the only one to put a torch to the Curia, but strict consistency is not to be sought in C.'s emotional appeal. *cum facibus* begins a tricolon of weaponry. The MSS transmit *cucurrerunt,* but the corruption is trivial (*c̄currerunt* = *concurrerunt*), the MSS have a tendency to simplify compound verbs, including this one (cf. §67n. *te enim appello, et ea uoce ut me exaudire possis*), and the compound is more forceful and more in line with Ciceronian usage: C. seems generally to prefer *concurro* with grammatically or logically plural subjects (cf. e.g. *Ver.* 2.48 *tantus in curia clamor factus est ut populus concurreret*), and *curro* with singular subjects (see Merguet s.vv.). **cum armis ad Castoris** "with weapons to the temple of Castor." For the temple, cf. §18n. *in templo Castoris*; for the regular omission of *templum* with *ad* + genitive, see K–S 1.232 (cf. §54n. *sciebat in Alsiensi esse*). The MSS transmit *cum facibus,* but we know of no attempt to burn this temple in 52 (though cf. *Red. Sen.* 7, *Red. Pop.* 14 for alleged temple burning in 57; further §73n. *qui aedem Nympharum incendit*), and the repetition in a tricolon that has *cum gladiis* as its third member would be intolerable. The text printed here is the suggestion of Jim Zetzel (*per litt.*), on the hypothesis that *cum facibus* has been repeated by dittography and so ousted a different word entirely; cf. *Dom.* 54 and *Sest.* 34, where Clodians bring *arma* to this temple. One would certainly like a word that completes a tricolon of weaponry, not least since the whole point of the sentence is the failure to resist attacking marauders. Previous editors, guided by the *ductus litterarum,* have tinkered with *facibus* and produced two improbable possibilities. *cum falcibus* is found in humanist MSS (a certain kind of "sickle" was used in breaking down walls in siege warfare: *OLD* s.v. *falx* 2b), which supposes that the mob wished to remove the steps of the temple, as the Clodians had done several years earlier (cf. *Sest.* 34 with Kaster). But this is impossibly obscure (even allowing for a desire for parallelism and sound-play with *cum facibus*), and such *falces* appear to have been large siege engines (see Clark ad loc.). Lambinus suggested *cum fascibus* instead: while Asconius does report that a mob seized *fasces* (33C), he says only that they were taken to the houses of Scipio and Hypsaeus and Pompey, i.e. with the intent of offering them *imperium*; he makes no mention of the temple of Castor and Pollux. It is not clear what the mob might do with the *fasces* there, although they just might be displayed to try to whip up the crowd assembled for Clodius' funeral (before or after Scipio, Hypsaeus, and Pompey declined their advances). But to leave aside the

silence of Asconius and the fact that *fasces* do not fall into the same category as *faces* and *gladii*, this would still be an obscure allusion, and it is not in C.'s interests here to be obscure: if he is going to be vague, better with the general innuendo of *cum armis* than with the specific (hypothetical) allusion of *cum fascibus*. **cum gladiis toto forō uŏlĭtārūnt:** for *uolito* of swarming activity in a military context, see *OLD* s.v. 3b; with *forum* cf. *S. Rosc.* 135 with Landgraf, *Catil.* 2.5 *hos quos uideo uolitare in foro, Red. Sen.* 7, *Dom.* 49, *De orat.* 1.173, 2.101. Clark emends to *uŏlĭtāuērūnt* to avoid the heroic clausula, but as the resulting clausula is still inartistic, there is little reason to change the transmitted text; cf. §65n. *Pompeio nuntiatur in hortos.* (Shipley 1911 argued further that heroic clausulae are more acceptable when, as here, the final word is not di- or trisyllabic – i.e., when they do not look like a typical hexameter ending in poetry; cf. Fraenkel 1968: 199–200, Aili 1979: 64–5. This claim requires more investigation; cf. e.g. §23n. *ut aliquando ad causam crimenque ueniamus* for clear avoidance.) **caedi uidistis populum Romanum, contionem gladiis disturbari:** probably in reference to the *contio* held shortly after Clodius' death in which Caelius and Milo both claimed that Clodius had set an ambush for Milo (Asc. 33C). Appian refers to this same *contio* and says that it was violently disrupted by armed opposition (*BC* 2.22); he goes on to make the fantastical claim that Caelius and Milo only escaped disguised as slaves and that general slaughter ensued (Appian is generally confused about this *contio*, alleging that Milo had bribed Caelius to win his support; for Appian's unreliability, cf. §27n. *ad flaminem prodendum*). If there was any significant violence, it is hard to see why Asconius did not mention it, but there is no reason to hypothesize another *contio* held by Caelius (as does Tan 2008: 199). On *contiones*, see §3n. *hesterna etiam contione.* Here *caedi* is emphatically fronted, further creating a chiastic arrangement in these grammatically parallel clauses. Lat. *disturbo* "break up" is much more forceful than Engl. "disturb"; it is used, for example, of demolishing buildings (*OLD* s.v. 1). **cum audiretur silentio:** the ability to hold an audience in spellbound silence is one sign of a successful orator, connected to both his *auctoritas* (cf. e.g. *Q. fr.* 2.3.2, of Pompey: *dixit omnia atque interdum etiam silentio, cum auctoritate peruicerat*) and his subject matter (cf. e.g. *Sest.* 107, of P. Lentulus: *egit causam ... tanto silentio ... nihil ut umquam uideretur tam populare ad populi Romani aures accidisse*). **M. Caelius, tribunus plebis:** M. Caelius (*RE* 35) Rufus, a generation younger than C. (probably born *ca.* 88–87, although 82 according to Plin. *Nat.* 7.165), led a life of rakish intrigue in Rome's highest political circles and its beau monde. Initially C.'s protégé, he was associated with Catiline and spoke against C. in a successful prosecution of C.'s consular colleague, Antonius Hybrida, in 59 (for *repetundae*: *TLRR* 241). Caelius then rented

a home from P. Clodius on the Palatine, which had the advantage of being near his paramour, Clodia Metelli (Caelius may be the Rufus of Catul. 77: evidence in Austin ad *Cael.* Appendix III; cf. the extreme skepticism of Wiseman 1974: 106–8). There was eventually a falling out between Clodia and Caelius, and in 56 Caelius was prosecuted on charges including the attempted poisoning of Clodia; he was defended by C. in a masterpiece of Clodian character assassination (*Cael.*; C.'s account of events in that speech should not be accepted uncritically: Wiseman 1974: 54–91). Caelius and the Clodii had become enemies (cf. *Q. fr.* 2.12.2, 14 February 54: *noster Caelius ualde oppugnatur a gente Clodia*). As tribune in 52, Caelius was thus happy to support Milo and later, with C., to defend Milo's partisan M. Saufeius (*TLRR* 313). Thereafter C.'s influence over him waned (*Brut.* 273), and he would side with Caesar in the civil war. He eventually became discontented and died in 48 with Milo in an uprising against Caesar (see Introduction p. 18). He also happens to be one of C.'s most frequent (and most charming) correspondents. For further details of his life, see Dettenhofer 1992: 79–98, Dyck 2013: 4–6, 14–17. **uir et in re publica fortissimus, in suscepta causa firmissimus, et bonorum uoluntati, auctoritati senatus deditus:** Caelius receives much more elaborate praise than other people mentioned in this speech, both because he is C.'s particular friend and because he has been involved with the case. C. is especially keen to point out that Caelius is on the side of the *boni*, perhaps because of his checkered past; cf. §4 *nos qui semper uestrae auctoritati dediti fuimus.* **in hac Milonis siue inuidia siue fortuna** "and in Milo's present predicament of opprobrium – or, if you'd prefer, his good fortune." One might say that Milo had incurred *inuidia* because he killed Clodius, but one might equally well say that it was his good fortune to have done so. *siue ... siue* here introduces two alternative names for the same thing without deciding which is more suitable (*OLD* s.v. 8). **singulari diuina incredibili fide:** ablatives of description in a culminating tricolon; for the (rare) three juxtaposed adjectives, cf. §27n. *iter sollemne, legitimum, necessarium.*

PERORATIO (§§92–105)

According to ancient rhetorical theory, the conclusion of a speech should seek to refresh the audience's memory about the speech's arguments and to influence their emotions (Lausberg §§431–42; cf. Winterbottom 2004 on C.'s practice). The young Cicero himself divided the *peroratio* into three parts (*Inv.* 1.98; sim. e.g. *Rhet. Her.* 2.47): *enumeratio* (a recapitulation of the speech's main points), *indignatio* (the rousing of the jurors' anger against the opposing party), and *conquestio* (the winning of

the jurors' sympathy for one's own client); the mature Cicero into just two: *amplificatio* and *enumeratio* (*Part.* 52–60). Its primary virtue was supposed to be *breuitas* (Lausberg §440). Measured against those standards, this is an extraordinarily odd *peroratio.* C. never once reminds the jurors of his arguments, never once claims that Clodius set an ambush for Milo, never once protests that his client is innocent. Instead, at great length, he tries to stir up his audience's emotions in favor of Milo and the exile that he will face if he is convicted. He repeatedly ventriloquizes his client, blending his voice with Milo's and so perhaps blending Milo's exile with memories of his own; he seems to treat Milo's exile as a foregone conclusion. None of this makes much sense if this *peroratio* had been delivered in court when C. still had a chance at securing Milo's acquittal. All of it makes perfect sense if this *peroratio* was prepared specifically for the published version of the speech, when Milo's conviction and exile literally were foregone conclusions.

92 **Sed iam satis multa de causa, extra causam etiam nimis fortasse multa:** sc. *dixi* (vel sim.). C. makes a clear transition into the *peroratio. de causa* refers to §§24–71, *extra causam* to §§72–91; the contrast between the two is pointed by chiastic arrangement. *sed iam* often returns to an argument after a digression; cf. e.g. *Sul.* 35 *sed iam redeo ad causam, iudices, Har.* 34, *Phil.* 2.47. The ellipsis of a verb of speaking is colloquial (cf. §58n. *idem qui omnia semper constanter et fortiter*), as can be the phrase *iam satis* when used as a conclusion; cf. e.g. *Fam.* 7.10.2 *sed iam satis iocati sumus,* Pl. *Pseud.* 687 *sed iam satis est philosophatum,* Hor. *S.* 1.1.120 *iam satis est,* 1.5.13–14 *ohe, | iam satis est,* Mart. 4.89.1 *ohe, iam satis est, ohe.* Even the position of *fortasse* (after *nimis*) may suggest a somewhat colloquial correction; for a similar effect, cf. e.g. *Lig.* 19 *principum dignitas erat paene par, non par fortasse eorum qui sequebantur.* For the phrase *extra causam,* cf. *Dom.* 32 *intellego, pontifices, me plura extra causam dixisse quam aut opinio tulerit aut uoluntas mea.* **quid restat nisi ut orem obtesterque uos, iudices, ut eam misericordiam tribuatis fortissimo uiro:** here begins the *peroratio* proper. In §6 C. had promised that he would only "beg and plead" after proving that Clodius had set an ambush for Milo (*tum denique obsecrabo obtestaborque uos, iudices*). In the previous sentence he dispenses with repeating that proof, and so here he proceeds directly to an attempt to stir up pity (*misericordia*) for Milo. The address to the *iudices* is another common feature of Ciceronian transitions. For the alliterative doublet *oro obtestorque* (also at §105; cf. §6n. *obsecrabo obtestaborque*), see *TLL* IX.2.281.25–30, 47–50, 63–4, 83–4; 282.13; the longer *obtestor* is regularly placed second. **quam ipse non implorat, ego etiam repugnante hoc et implōro ĕt ēxpōscō:** Milo did not assume the customary sackcloth-and-ashes appearance of a

defendant; Plutarch claims that this was a signal factor in his conviction (Plut. Cic. 35.5). There is likewise no reference to Milo's family or their suffering; C. in fact will have to invoke Milo as a sort of father to his own children (§102). Throughout the speech C. has worked to position Milo as a man of constancy and courage, in the exordium contrasting his own fear with Milo's steadfast bravery and here juxtaposing Milo's refusal to beg (ipse non implorat) with his own pleading (ego ... et implōrō ĕt ēxpōscō, with an emphatic doublet securing a cretic-trochaic clausula). Perhaps this is a deliberate defense strategy, or perhaps C. has to make the best of an intransigent client's whims. Just five years earlier Milo had been perfectly willing to don mourning clothes in solidarity with P. Sestius at the latter's (successful) defense trial: Sest. 144 uideo Milonem ... sordidatum et reum. The word *exposco*, a strengthened form of *posco*, is found in C. only here (*deposco* 29x; cf. §100); *exposco* perhaps contrasts pointedly with *imploro*. **nolite ... minus ei parcere:** in early Latin, when the full force of *noli(te)* was still felt, the phrase *noli(te)* + infinitive was clearly more polite than other forms of negative imperatives (e.g. *ne fac, ne facias, ne feceris*: Barrios-Lech 2016). By C.'s day *noli(te)* + infinitive had become grammaticalized; cf. e.g. *Cael.* 79 *nolite, iudices, ... hunc ... uelle ... exstingui* (sim. *Dom.* 146, *Balb.* 64, *Phil.* 7.25; further De Melo 2007: 97–8). It remained, however, the polite way to form an imperative. In C. the type *ne fac* is non-existent, *ne facias* rare (*ca.* 3x), *ne feceris* reasonably common (43x), *noli facere* most common (107x), but *ne feceris* tends to appear in letters to Atticus and Quintus, while *nolite facere* is standard in addressing jurors: Pinkster 1986: 153. The grammaticalization of *noli(te)* was probably helped by the fact that it is only used in this construction and that it is formed irregularly – there is no corresponding imperative of *uolo* – on which see Wiese 2009 (cf. Weiss 430, 455). **si in nostro omnium fletu nullam lacrimam āspēxīstīs Mīlōnīs:** tears were a regular feature of Roman courts, especially in the emotional *peroratio*, and both the defense advocate and the defendant (or his family) were expected to weep in an attempt to arouse *misericordia* among the jurors (cf. e.g. *Font.* 48, *Planc.* 76, *De orat.* 2.196; evidence collected and discussed in Vekselius 2018: 107–46; further §34n. *preces et lacrimae nostrae*). *fletus* "weeping" is usually abstract; *lacrima* "tear" usually concrete, although the two categories necessarily overlap. As in English, *lacrima* is usually found in the plural; the singular here is emphatic ("not a tear"), as is the mild hyperbaton of *Milonis* (which also creates a good rhythm and avoids final *āspēxīstīs*). *nostro omnium* is an emphatic variant of the more common *omnium nostrum* (K–S 1.246); cf. e.g. *Catil.* 1.9 *de nostro omnium interitu.* **si uultum ... si uocem, si orationem stabilem ac non mutatam uidetis:** a mild syllepsis, since strictly speaking the jurors could not "see" Milo's voice or his words.

But the jurors could of course see Milo's facial expression (the primary meaning of *uultus*: *OLD* s.v. 1), just as they could see his lack of tears; the phrase is as natural as Engl. "they saw thunder and lightning." For bolder metaphorical extensions of *uideo,* see Catrein 2003: 46–81. **hoc minus:** loosely, "any less"; *hoc* is an ablative of degree of difference (in translationese, "by this much the less"; cf. §23n. *quod quo facilius*). **parcere** "to spare" → (of a jury) "not to condemn" (*OLD* s.v. 4d). **haud scio an** "I am inclined to think" (*OLD* s.v. *scio* 4b); originally the phrase was paratactic (e.g. Pl. *Epid.* 543 *hau scio an congrediar* "should I meet him? I don't know": H–S 543), but by C.'s time it has been grammaticalized and is used when a speaker wishes to affirm something but maintain a certain appearance of modesty. *haud scio an* is a stronger assertion than *fortasse* or *forsitan* (the weakest of the three). *an* here was felt to have a negative sense built in (*OLD* s.v. 8, K–S II.521), and so lit. "I don't know whether he should not ..." For the rhetoric, cf. *Off.* 1.72 *capessentibus ... rem publicam nihil minus quam philosophis, haud scio an magis etiam, et magnificentia et despicientia adhibenda sit rerum humanarum.* **multo sit etiam ādiŭuāndūs măgīs:** a pointed contrast with the foregoing phrase (*hoc* ~ *multo, minus* ~ *magis*); *magis* stands emphatically last, where it also creates a double-cretic clausula. The MSS disagree over the placement of *sit,* but forms of *esse* regularly cliticize on adjectives of size and quantity, and so it seems best to follow the order of the palimpsest P. **in gladiatoriis pugnis:** it is somewhat surprising to find a positive comparison between Milo and a gladiator, as *gladiator* is one of C.'s favorite insults for his enemies (especially Antony: see e.g. Manuwald ad *Phil.* 3.18), and Milo himself had gladiators in his gangs (cf. e.g. Asc. 32C, Schol. Bob. 122.33–4 St., Lintott 1999b: 83–5). But gladiators had their virtues, as C. acknowledges at e.g. *Tusc.* 2.41 *gladiatores ... quas plagas perferunt! quo modo illi ... accipere plagam malunt quam turpiter uitare! ... quis mediocris gladiator ingemuit, quis uultum mutauit umquam?* etc. In other speeches too C. can highlight gladiators' bravery; cf. e.g. *Phil.* 3.35 *quod gladiatores nobiles faciunt ut honeste decumbant, faciamus nos ... ut cum dignitate potius cadamus quam cum ignominia seruiamus* (sim. *Sest.* 80; further on the multivalent image of gladiators, Ville 1981: 334–39, 344). Some scholars have found deep significance in C.'s reference to gladiators here (e.g. Tzounakas 2012 with earlier references), but it seems likely that C. simply means what he says: if we reward courage in the lowly gladiator, how much more should we reward it in gallant men like Milo? Seneca the Younger has this passage in mind at *Dial.* 9.11.4 *gladiatores, ut ait Cicero, inuisos habemus, si omni modo uitam impetrare cupiunt; fauemus, si contemptum eius prae se ferunt.* **et <in> infimi generis hominum condicione ātquĕ fōrtūnā:** gladiators were slaves and *infames* (cf. Ville 1981: 228–55, 339–43); even

volunteers (*auctorati*) had to swear the gladiatorial oath and enter into a legal contract (*auctoramentum*), binding themselves over to a master and incurring *infamia* (see Petr. 117; on the *auctoramentum* and *auctorati* comprehensively Diliberto 1981). For slaves so described, cf. e.g. *Balb.* 24 *seruos ... quorum ius, fortuna, condicio infima est*, *Off.* 1.41 *est ... infima condicio et fortuna seruorum.* The supplement <*in*> smooths the construction, especially since *in* is used here in two slightly different applications (*in pugnis* vs. *in condicione*); the word was omitted by haplography before *infimi.* Unelided *atque* secures a cretic-trochaic clausula at the end of the colon (cf. §78n. *ea quae tenetis priuata atque uestra*). **timidos et supplices et ut uiuere liceat obsecrantes ... fortes et animosos et se acriter ipsos morti offerentes:** a neatly opposed pair of rising tricolons. **seruari cupimus:** for the (passionate) force of *cupio*, cf. §21n. *etiam si cupisset.* The variant *seruare* is equally well attested (PET), but strictly speaking the *editor* of the games, not the crowd, decided whether to grant *missio* to a defeated gladiator (Ville 1981: 410–24), and so *seruari* seems preferable. The substitution of an active infinitive for a passive is a common corruption: cf. e.g. *inuenire* (ET) for *inueniri* (HV^{c}) at §57, Madvig 1877b: 44 n. 2. **eorumque nos magis miseret** "and we feel more pity for those"; impersonal *miseret* is construed with an accusative and a genitive (*OLD* s.v. *misereo* 2). **efflagitant** "importunately demand" (*OLD* s.v.), a word with negative connotations. **hoc:** accusative object of *facere*, referring vaguely to the preceding phrases.

93 Me quidem: *me* is focused through fronting and contrastive *quidem* (Solodow 1978: 96–8); after claiming that we should all be moved by Milo's courage under fire, C. says that he certainly is. **exanimant et interimunt hae uoces Milonis:** for *exanimo*, cf. §61n. *nulla conscientia exanimatum. interimo*, lit. "kill" (< *inter-* + *emo*, an archaic word for "take"; cf. e.g. *adimo, demo*), here is used hyperbolically; the metaphorical usage is rare in extant Latin, but cf. Pl. *Mer.* 607 *illaec interemit me modo oratio.* (The metaphor was nevertheless perhaps not strongly felt, otherwise it would be supremely odd for C. to use the word of a defendant in a murder trial!) For *uox* "word," cf. §26n. *uocem.* **assidue ... cottidie:** parallel placement, isocolon, and sound-play help these two adverbs bind together their clauses. **"ualeant," inquit, "ualeant ciues mei":** C. supposedly reports what Milo says to him, blending his voice with Milo's. "Milo's" first word – "farewell" with a trace of resignation – implies that he is already in exile. For this usage, cf. e.g. *Att.* 4.5.1 *sed ualeant recta, uera, honesta consilia*; for the emphatically emotional *geminatio*, here as often with the verb placed first, cf. §21n. *Non fuit ... profecto non fuit cur.* The verb *inquit* is the standard way to introduce direct speech, and it is here placed, as usual,

in second position. In the course of Milo's speech, however, the verb will be repeated twice more (in §93), which is quite rare (*TLL* VII.1.1791.72); the repetition forestalls confusion over who is "speaking" these words, and its position can be used for dramatic effect (cf. §94n. *"illi, illi," inquit, "tui"*). A possessive pronoun is extremely common with *ciuis* ("my fellow citizens" et sim.: *TLL* III.1224.75–1225.23). **sint incolumes, sint florentes, sint beati:** a tricolon bound together by anaphoric *sint*, which has perhaps influenced the construction of *sint florentes* (instead of *floreant*), although *florens* is widely used as an adjective in its own right (cf. e.g. *Phil.* 13.34 *te ... saluum, beatum, florentem esse cupiebant*, 14.24 *incolumis et florens ciuitas*). **haec urbs praeclara mihique patria carissima:** Milo calls Rome his *patria* even though he comes from Lanuvium (Asc. 31C). While C. elsewhere claims that one can have two *patriae*, one by birth and one by citizenship (*Leg.* 2.5 *omnibus municipibus duas esse censeo patrias, unam naturae, alteram ciuitatis*; there was no such thing as dual citizenship: *Caec.* 100 *cum ex nostro iure duarum ciuitatum nemo esse possit*), he seems more likely to be speaking loosely here, as at *Agr.* 2.87 *Romam, communem patriam omnium nostrum* (cf. §102 *hic qui me procreauit locus*). **quoquo modo:** cf. §9n. *quoquo modo.* **tranquilla re publica ... perfruantur:** for the emphatic placement of the verb in last position after a series of parallel clauses with verbs in first position, cf. §20n. *luget senatus ... desiderant.* Likewise emphatic is *perfruantur*; cf. *Catil.* 4.11 *mihi salua re publica uobiscum perfrui liceat.* **sine me ipsi, sed propter me tamen:** here *ipsi* ≈ "by themselves" (*OLD* s.v. 7); cf. e.g. *Phil.* 5.44 *Caesar se ad neminem adiunxit, ipse princeps exercitus faciendi ... fuit.* The contrast between *sine me* and *propter me* is pointed; cf. e.g. *Sest.* 146 *neque eae nationes quibus me senatus commendauit ... hunc* [= *Sestium*] *exulem propter me sine me uidebunt.* **ego cedam atque abibo:** "Milo" is made to describe his exile in the same terms as C. regularly describes his own (cf. §36n. *ego, iudices, cum maerentibus uobis urbe cessi*), further blurring their two voices and associating their causes. *ego* is expressed to contrast with the foregoing *mei ciues.* **si mihi bona re publica frui non licuerit, at carebo mala:** the shift from the compound *perfruantur* to the simplex *frui* deliberately grants primacy to the citizens' enjoyment. *at* "at least, at any rate" is common after negative or conditional clauses (*OLD* s.v. 13b). *careo* is a fixed euphemism for exile; cf. §63n. *ut aequo animo patria careret.* For the argument and phrasing, cf. *Dom.* 64. **quam primam tetigero bene moratam et liberam ciuitatem:** a perfect description of Massilia (mod. Marseilles), a Greek foundation renowned for its culture and learning, where Milo went into exile, and so perhaps another sign that this section is a post-trial addition. Massilia was a common destination for Roman exiles (e.g. Verres), but perhaps slightly unusual for a man who hoped for recall to Rome (such men more usually

went to western Greece); Milo may have had personal reasons for preferring Massilia (Kelly 2006: 126). *primam* is Ernesti's seldom adopted emendation for the transmitted *primum*. Adverbial *primum* may sometimes be used where one would expect a form of the adjective, although many of these instances disappear on closer inspection (e.g. *Catil.* 3.15 *quod mihi primum* [not *primo*] *post hanc urbem conditam togato contigit*, where *primum* coheres with *post hanc urbem conditam* and avoids overbalancing *mihi*; further examples at K–S 1.238). Here scribal confusion with the common idiom *quam primum* "as soon as possible" probably induced corruption; cf. *Att.* 7.7.4 *utar ea porta quam primam uidero* with Shackleton Bailey. One could alternatively try *cum* [< *quum*] *primum* ("as soon as"), but *quam* ... *in ea* seems more idiomatic (cf. §13n. *cuius* ... *de eius*).

94 **"O frustra," inquit, "mei suscepti labores, o spes fallaces, o cogitationes inanes meae!"** C. repeats *inquit* to clarify the "speaker" of this ascending tricolon of exclamations. Although the accusative of exclamation is more common (cf. e.g. *Catil.* 2.10 *o nos beatos, o rem publicam fortunatum, o praeclaram laudem consulatus mei!*), the nominative is used occasionally (K–S 1.274). The palimpsest P has *et* for the last *o*, and H omits the word entirely, but Ciceronian usage favors the triple anaphora (cf. e.g. the just quoted *Catil.* 2.10). **ego cum ... me senatui dedissem** "when I devoted myself [*OLD* s.v. *do* 21–2] to the senate"; Milo refers to the actions of his tribunate in 57 (C. again conveniently forgets his promise not to mention these good services: cf. §6 *T. Anni tribunatu rebusque omnibus pro salute rei publicae gestis ... non abutemur*). *ego* is fronted and focused here and in the next sentence, as is *mihi* in the following clauses and the paragraph's last sentence; in this case it also immediately clarifies the subject of a sentence that would otherwise be ambiguous until *dedissem*. **qui omnem auctoritatem Clodianis armis abiecerant** "who had thrown away all their authority in the face of Clodius' weapons [ablative]." *abicio* is a strong word, often used of throwing down one's weapons and so giving up a fight (*OLD* s.v. 6b); there is more than a hint of criticism here. **putarem** "could I have thought?"; the deliberative subjunctive often, as here, carries a note of surprise or indignation (*NLS* §§172–5). **mecum enim saepissime loquitur:** C. yet again clarifies "who is who." **ubi nunc senatus [est] ... ubi ... ubi ... ubi ... ubi:** an enumeration whose apparent order from greatest (senate) to least (the Italians) draws sharp attention to Cicero himself in the climactic member. The position of *est* is suspicious in this series of abrupt and indignant questions, and it upsets the balance of the phrase; cf. *Pis.* 97 *ubi exercitus, ubi sumptus, ubi imperium, ubi illa uberrima supplicationibus triumphisque prouincia?*, *Planc.* 33 *ubinam ille mos, ubi illa aequitas iuris, ubi illa antiqua*

libertas ... ?, *Rab. Post.* 31 *ubi ergo ille mos, ubi consuetudo iudiciorum, ubi exempla?*, *Phil.* 5.8 *ubi lex Caecilia et Didia, ubi promulgatio trinum nundinum, ubi poena recenti lege Iunia et Licinia?*, [Quint.] *Decl.* 1.17 *ubi nunc meae uires, ubi impetus, ubi dextra tam fortis?*, etc. The best parallel to the paradosis seems to be Petr. 115.12 *"ubi nunc est," inquam, "iracundia tua, ubi impotentia tua?"* – where however *est* is placed before the subject. **quem secuti sumus:** the plural embraces both C. and Milo, further blending the two. To follow the senate's guidance and authority (*OLD* s.v. *sequor* 9) is for C. by definition to number among the *boni* (cf. §5n. *pro bonis contra improbos*). **"ubi equites Romani illi, illi," inquit, "tui?"** C. was always particularly associated with the *equites* (see in detail Berry 2003); cf. e.g. *Rab. Post.* 15 *uos, equites Romani ... scitis me ortum e uobis omnia semper sensisse pro uobis*, *Phil.* 6.13 *quem umquam iste ordo* [sc. *equites*] *patronum adoptauit? si quemquam, debuit me* with Manuwald, Plin. *Nat.* 33.34. Here *inquit* is not only a reminder of who is speaking, but more importantly draws attention to the *geminatio* of *illi* (cf. §67n. *non iam hoc Clodianum crimen timemus, sed tuas ... tuas, inquam, suspiciones perhorrescimus*), which it further emphatically splits from *tui.* **ubi Italiae uoces, ubi denique tua ... uox:** the word *uox* provides the pivot for the unexpected turn to C. himself. **M. Tulli:** praenomen + nomen is a respectful form of address; cf. §2n. *sed me recreat et reficit Cn. Pompei ... consilium.* For the language and rhetoric, cf. *Catil.* 1.27 *"M. Tulli, quid agis?"* (C. reporting the supposed words of the *patria*). **quae plurimis fuit auxilio** "which brought help to so many," a double dative; *esse* regularly cliticizes on adjectives of size and quantity. C. works in some self-praise (on Ciceronian self-praise, see §36n. *meis consiliis periculisque seruatos*). **uox ātquĕ dēfēnsĭō:** the monosyllabic *uox* would have provided a thudding close; the doublet, with unelided *atque* in clausular position, yields a double-cretic rhythm (cf. §78n. *ea quae tenetis priuata atque uestra*). **mihine ea soli** "was it to me alone ..." *mihi* is given indignant focus by being fronted, serving as host to *-ne*, and separation from *soli* (which itself contrasts with foregoing *plurimis*). **pro te totiens morti me obtuli nihil potest opitulari:** notable and perhaps emphatic assonance and consonance (*obtuli* is pronounced *optuli*: Allen 1978: 21–2); *obtuli* and *opitulari* are both placed last in their respective cola and offer a pointed *figura etymologica* (*opitulor*, "help," < *ops* + *tul-*), contrasting Milo's effective actions with C.'s ineffective attempts. *opitulor* is a rare word generally but a Ciceronian favorite (22x), as recognized by Seneca (*Ep.* 17.2): *ut Ciceronis utar uerbo, "opituletur."*

95 haec ... loquitur: with *haec* probably understand *dicit* vel sim. in a colloquial ellipsis (cf. §58n. *idem qui omnia semper constanter et fortiter*), as at §99 *haec tu mecum ... haec ego tecum.* Less probably, *haec* could be construed

with *loquitur* (for *loquor* + accusative, cf. §63n. *multi etiam Catilinam atque illa portenta loquebantur*). For weeping in court, cf. §92n. *si in nostro omnium fletu nullam lacrimam aspexistis Milonis.* **hoc eodem ... uultu quo uidetis:** sc. *eum esse.* It might seem tempting to label *quo* an instance of attraction of the relative (i.e. *quo* replacing *quem* under the influence of preceding *uultu*; cf. the regular Gk. of Pl. *Ap.* 29b πρὸ ... τῶν κακῶν ὧν οἶδα). Most apparent examples of *attractio relatiui* in classical Latin, however, can be explained by understanding an ellipsis (examples at K–S II.288, H–S 566). **negat ... negat ... non negat:** yet more emotional repetition; for the word order of the tricolon, giving the strongest emphasis to *non negat,* cf. §20n. *luget senatus ... desiderant.* This sentence implies that the killing was intentional, not simply self-defense, and so is another sign that this section was added in revision. On Latin's preference for *nego* over *dico non,* cf. §47n. [*hi*] *qui Clodium negant ... fuisse rediturum. fecerit* is subjunctive in a subordinate clause in indirect discourse. **plebem et infimam multitudinem ... eam:** an example of "left-dislocation," where an element, especially the topic of a sentence, is fronted for dramatic emphasis (*plebem et ... multitudinem*), then is repeated later via a pronoun (*eam*); on this phenomenon, see in detail Halla-aho 2018 (cf. e.g. *Phil.* 2.101 *agrum Campanum, qui cum de uectigalibus eximebatur ... hunc tu ... diuidebas*). *eam* itself is fronted outside the *ut* clause; it is the object of *flecteret* and *deleniret.* For the pejorative *multitudo,* cf. §2n. *temeritatem concitatae multitudinis.* **se fecisse commemorat ut non modo uirtute flecteret sed etiam tribus suis patrimoniis deleniret** "he relates how he managed [*OLD* s.v. *facio* 15] not only to bend the masses by his virtue but also ..." Asconius (53C) explains the "three inheritances" as those of Milo's biological father Papius, his adoptive father T. Annius, and his mother, but this is little more than guesswork (as Asconius makes clear by *uidetur significare*), and in Latin "three" can also be used to indicate an indefinite "few" (*OLD* s.v. *tres* b ["as a typically small number"], Otto no. 1869, Sutphen 1901: 385–6; cf. Engl. "couple"). It is clear that Milo spent massive amounts; he may have owed as much as 70 million sesterces by the time of this trial (Plin. *Nat.* 36.104), and C. delivered a speech in the senate in 53 downplaying Milo's extraordinary debts (*De aere alieno Milonis*; see Crawford 1994: 265–88). The *suam* before *se* in H ("he relates how he made the masses his own"), while superficially attractive, looks like an attempt at simplification; it leaves the *ut* clause without a sensible explanation. (Asconius' lemma is defective: 53C.) But the text as printed is stilted (other examples of the construction "see the lilies of the field, how they grow" at K–S II.580–1 are much easier), and further intervention may be required. **cum plebem muneribus placarit:** the exact circumstances of these gladiatorial games are unknown (see Lintott 1974: 66, Ville 1981:

67). For Milo's lavish spending on public spectacle, cf. his similar profusions on theatrical games (also doubtless with an eye to a future campaign for the consulship), criticized by C. in letters from late 54: *ludos apparat magnificentissimos, sic, inquam, ut nemo sumptuosiores, stulte ... quia facultates non erant* (*Q. fr.* 3.6.6, November 54); *angit unus Milo ... de re familiari timeo ... qui ludos ... comparet* (*Q. fr.* 3.7.2, December 54). C.'s praise of Milo's gladiators at *Off.* 2.58 is different; these were procured before C.'s recall from exile for defense against Clodius. C.'s own *lex Tullia* (passed in his consulship) forbade candidates for public office from putting on gladiatorial games two years before and after their campaign, a move designed to prevent them from currying favor with voters, although an exception was made for games held under the terms of a will (*Vat.* 37, *Sest.* 133, Crawford 1996: II.761–2), as these presumably were. **uos non conciliarit meritis in rem publicam singularibus:** a pointed contrast: *uos* ~ *plebem*, *concili<u>arit</u>* ~ *plac<u>arit</u>*, <u>*me*</u>*ritis* ~ <u>*mu*</u>*neribus*. C. yet again forgets his promise not to mention Milo's good deeds (§6). **senatūs erga se beneuolentiam:** for the senate's approval of Milo's actions, cf. esp. §12. **uestras uero et uestrorum ordinum occursationes, studia, sermones:** contrasting the senate's good will with that of the jurors (*uestras ... et uestrorum ordinum*) is somewhat odd, given that one third of the jurors were senators themselves (cf. §4n. *amplissimorum ordinum delectis uiris*). *occursatio* is a rare word for "running out to meet a person as a mark of respect" (*OLD* s.v.; elsewhere only at *Planc.* 29 and, in a different sense, Amm. 19.2.6). **quemcumque cursum fortuna dederit:** i.e., notionally whether Milo is convicted or acquitted. For the phrase, cf. Verg. *Aen.* 4.653 *uixi et quem dederat cursum Fortuna peregi.*

96 **meminit etiam:** for the position of *etiam*, cf. §46n. *seruum etiam ... corruperit.* **uocem sibi praeconis modo defuisse:** the *praeco* ("one who makes public announcements," *OLD* s.v. 1) would officially announce the winner of an election (cf. *TLL* X.2.496.21–6; full details in Hinard 1976). The focus of *uocem* is shown by the placement of enclitic *sibi* and separation from *praeconis.* **populi uero cunctis suffragiis ... se consulem declaratum:** given that no consular election was completed (cf. §41n. *comitiis in Campo quotiens potestas fuit!*), this is a generous exaggeration, but cf. §25 *certissimum consulem* and *idque ... suffragiis populi Romani saepe esse declaratum.* **haec arma:** a reference to Pompey's troops surrounding the court. *arma* is omitted in T, and Berry 2016: 19–20 suspects that the word is an intrusive gloss, as C. generally treats Pompey's troops as present for Milo's protection. But cf. §67 *haec arma* for the same conditional conceit. The bare *haec* seems too vague to refer to (e.g.) "the present proceedings" (though cf. *Font.* 48 *haec salua esse non possent*); the omission of

arma looks like an error unique to T. **facinoris suspicionem, non facti crimen** "suspicion of a misdeed, not the charge concerning what he did." The precise reference of *facinoris* in this seemingly pointed contrast is not clear; commentators suggest supposed plots against Pompey (cf. §§65–6). **fortes et sapientes ... recte facta:** the first in a series of philosophical, especially Stoic, commonplaces; for virtue as its own reward, cf. e.g. *Rep.* 6.12 Powell *sapientibus conscientia ipsa factorum egregiorum amplissimum uirtutis est praemium*, 6.25, *Fin.* 3.70, *Off.* 2.42 with Dyck, Sen. *Clem.* 1.1.1 with Braund, Dyck 1998: 229–30. For *recte facta* cf. §42 *in recte factis.* **si quidem nihil sit praestabilius uiro quam periculis patriam liberare:** again Milo and C. blend together; cf. e.g. *Catil.* 3.14 *prouidentiā meā res publica maximis periculis ... liberata.* The alliteration is perhaps emphatic.

97 **beatos esse:** still the reported speech of Milo, hence the accusative with infinitive and the subjunctives in the following subordinate clauses. **quibus ea res honori fuerit a suis ciuibus:** loosely, "who have been honored for that reason by their fellow citizens" (*quibus* and *honori* constitute a double dative). *a*(*b*) can express an agent even without a strictly passive verb (*OLD* s.v. 20); cf. §100 *quod tibi ... nullum a me ... officium defuit.* **qui beneficio ciues suos uicerint** "who have outdone [*OLD* s.v. *uinco* 9] their fellow citizens in conferring benefits"; cf. e.g. Liv. 1.17.11 *adeo id gratum plebi fuit ut, ne uicti beneficio uiderentur, id modo sciscerent iuberentque ut senatus decerneret qui Romae regnaret*, Plut. *Sull.* 38.4 οὔτε τῶν φίλων τις αὐτὸν εὖ ποιῶν οὔτε τῶν ἐχθρῶν κακῶς ὑπερεβάλετο (Sulla's tombstone in the Campus Martius: "no friend ever outdid him doing good, no enemy in doing harm"). **si esset habenda ratio praemiorum** "if we must consider [*OLD* s.v. *ratio* 8] rewards." C. here shifts into secondary sequence (*esset*), which he maintains through the rest of the paragraph. Such alternation after a historical present (*addit*), which can introduce either primary or secondary sequence, is common: Lebreton 273–7. **amplissimum esse praemium gloriam:** another philosophical commonplace; cf. e.g. *Arch.* 28 *nullam enim uirtus aliam mercedem laborum periculorumque desiderat praeter hanc laudis et gloriae; qua quidem detracta, iudices, quid est quod in hoc tam exiguo uitae curriculo et tam breui tantis nos in laboribus exerceamus?*, *Pis.* 57, *Phil.* 5.35, 14.32. Here, as often, *esse* cliticizes on an adjective of size or quantity and splits it from the noun it modifies; *amplissimum* is focused. This is the third instance of *praemium* in ten words, which is perhaps emphatic, but the repetitions are also needed for the sense. For a full analysis of *gloria* in C., see Mazzoli 2004. **esse hanc unam quae breuitatem uitae posteritatis memoriā consolaretur:** yet another commonplace; cf. e.g. *Sest.* 47 *uitae breuem esse cursum, gloriae sempiternum* with Kaster's collection of parallels and bibliography. **quae**

efficeret ut absentes adessemus, mortui uiueremus: a further commonplace; cf. e.g. *Amic.* 23 (on how people with friends live on after death) *quocirca et absentes adsunt et egentes abundant et imbecilli ualent et, quod difficilius dictu est, mortui uiuunt.* **cuius gradibus etiam in caelum homines uiderentur ascendere:** cf. e.g. *Dom.* 75 (of the decrees recalling C. from exile) *quibus tamquam gradibus mihi uideor in caelum ascendisse, Parad.* 1.11.

98 "De me," inquit: C. allows "Milo" to speak in direct speech again; an immediate verb like *inquit* is necessary to clarify who *me* is. **semper populus Romanus, semper omnes gentes:** i.e., the whole world (*omnes gentes* = "the rest of the world apart from the Romans," *OLD* s.v. *gens* 2; cf. §19n. *si unus ille occidisset ... gentes omnes concidissent*); anaphoric *semper* binds together the two groups and secures emphasis. **nulla umquam obmutescet uetustas:** loosely, "history will never cease to speak (of me)" (Colson); emphatic *uariatio,* with *nulla* given further prominence by separation from *uetustas.* Here *uetustas* ("oldness") cannot literally mean "future age," as is sometimes supposed; C. uses *aetas* or *posteritas* when he means that: cf. *Marc.* 9 *neque ulla umquam aetas de tuis laudibus conticescet, Phil.* 2.33 *quae uero tam immemor posteritas, quae tam ingratae litterae reperientur quae eorum gloriam non immortalitatis memoria prosequantur?, Phil.* 12.12. Instead it means that even when Milo is part of the distant past, he will still be spoken of. But Milo will not be part of the distant past until some future age, and so this comes close to a distinction without a difference; cf. *Deiot.* 37 *senatus uero iudicia ... quae umquam uetustas obruet aut quae tanta delebit obliuio?,* Verg. *Aen.* 10.792 with Harrison. **quin** "indeed," corroborating and amplifying the preceding statement (*OLD* s.v. 2). **hoc tempore ipso, cum omnes a meis inimicis faces inuidiae meae subiciantur:** the image of "torches of envy" is perhaps found only here, although metaphorical *faces* are common and envy is often associated with burning (cf. §75n. *qua inuidia ... conflagrandum*). For the "objective" *meae* ("envy toward me"), see *TLL* VII.2.201.80–3. Despite *hoc tempore ipso,* this *cum*-clause is not purely temporal but rather concessive (as shown by the following *tamen*) and so takes the subjunctive. **omni in hominum coetu ... et omni sermone:** fronting *omni* in the prepositional phrase adds emphasis (cf. §31n. *multis in causis saepe*) and here secures first-position parallelism with the following *omni.* The balance of the phrase is slightly unusual; one might expect a different connection from *et,* since another *et* intervenes. **gratiis agendis et gratulationibus habendis** "for offering thanks and tendering congratulations," perhaps datives of purpose with *coetu* (cf. e.g. *Agr.* 2.20 *comitia decemuiris ... creandis*), although possibly ablatives absolute ("when thanks are to be offered" etc.). **omitto Etruriae festos et actos et institutos dies** "I say nothing of the festivals in

Etruria, both those already celebrated [*OLD* s.v. *ago* 30] and those that will be celebrated [*OLD* s.v. *instituo* 2]," classic *praeteritio* (cf. §76n. *omitto socios, exteras nationes, reges, tetrarchas*). It is very hard to distinguish C.'s voice from Milo's here. For Clodius' treatment of Etruria, which apparently earned him its enmity, cf. §26n. *quibus siluas publicas depopulatus erat Etruriamque uexarat.* Of these supposed festivals nothing further is known; as C. gives no specifics, some skepticism seems in order. **centesima lux est ... et, opinor, altera** "the 102nd day, I believe." Despite C.'s urbane demurral with *opinor* (cf. Landgraf ad *S. Rosc.* 46), he knew exactly when Clodius died: he will later jokingly reckon time from this signal event (*Att.* 5.13.1 *Ephesum uenimus a. d.* XI *Kal. Sext., sexagesimo et quingentesimo post pugnam Bouill<am>am*, "on the 560th day after the battle of Bovillae" [reading *quingentesimo* for the transmitted *quinto*]; sim. 6.1.26). C.'s precise reckoning here confirms the MS reading at Asc. 30C (*a. d.* VI *Id. April.*): the last day of Milo's trial must have been 8 April. Clodius died on 18 January, and Romans counted inclusively (i.e., including both the first and last days in their count), and so under the pre-Julian calendar: 12 days of January (18–29 January) + 24 days of February (1–24 February) + 27 days of the intercalary month (1–27 Intercalaris) + 31 days of March (1–31 March) + 8 days of April (1–8 April) = 102. For the implications of this date for the chronology of Milo's trial, see Introduction pp. 15–16. *alter* is usual instead of *secundus* with ordinal numbers; with numbers over a hundred, *et* is regularly inserted between the two highest denominations (G–L §96). **quā ... eā** "where ... there." **de illo** = *de interitu P. Clodi.* **peragrauit** "has traveled" ("of news," *OLD* s.v. 1b); *peragro* is usually transitive, but cf. *De orat.* 1.222 *ita* [sc. *orator*] *peragrat per animos* [sc. *audientium*]. **"ubi corpus hoc sit non," inquit, "laboro"** "'where this body of mine is, that's not,' he says, 'something I'm worried about (*OLD* s.v. *laboro* 7).'" *hoc* is deictic, and its post-position emphatic (cf. *TLL* VI.3.2739.33–48) and perhaps colloquial; so too the repetition of *inquit* and its unusual position late in the phrase, where it splits *non* from *laboro* (*TLL* VII.1.1792.46–61). **et iam uersatur et semper habitabit:** HV^c read *semper hic habitabit*, adopted by Clark, but the parallel *et* ... *et* shows that both of these verbs go with *omnibus in terris*, which is in any case much more forceful.

99 Haec tu mecum saepe his absentibus, sed isdem audientibus haec ego tecum, Milo: colloquial ellipsis of verbs of speaking and chiastic arrangement; C. now notionally reports his reply to Milo's lament. For the orthography *isdem*, cf. §17n. *isdem.* **te quidem:** cf. §93n. *me quidem.* **cum isto animo es, satis laudare non possum:** the indicative *es* is hard in a causal *cum* clause, but *sis* in H is more likely to be a conjecture than a

remnant of truth (what scribe would change *sis* to *es* in a *cum* clause?). If *es* is correct, it is probably another colloquialism; cf. e.g. Pl. *Capt.* 151 *laudo, malum cum amici tuom ducis malum*, Ter. *Heaut.* 381–2 *te … laudo et fortunatam iudico, | id cum studuisti isti formae ut mores consimiles forent.* There are no Ciceronian examples of this construction with *laudo* (cf. *TLL* VII.2.1044.47–50), but similar instances are found in the letters with *gaudeo, gratulor*, and *gratias ago* (further K–S II.329, Madvig ad *Fin.* 1.10). For the ablative of description *isto animo*, cf. §3n. *neque solum ut quieto, sed etiam ut magno animo simus hortantur*, §80 *magno animo*, §82n. *hoc animo semper fuimus omnes … ut. isto* is a "second-person" pronoun referring to Milo in this imagined conversation ("that courage of yours"); so too the following *ista … uirtus* (against *illa* in ET). **diuellor … eriperis:** vivid and colloquial present tenses, making notionally future events take place right now. **querela:** cf. §41n. *quem igitur cum omnium gratia noluit, hunc uoluit cum aliquorum querela … occidere?* **non enim inimici mei … sed amicissimi, non male aliquando de me meriti, sed semper optime:** pointed contrasts as C. links himself with the jurors, who are themselves implied to number among the *boni.* **nullum mihi … tantum dolorem inuretis:** *nullum* is focused by being fronted, serving as host to *mihi*, and separation from *dolorem.* The verb *inuro* ("burn, brand") is a Ciceronian favorite; it is first found in C., and he often uses it in a metaphorical sense ("stamp [pain, injury, disgrace, etc. on]": *OLD* s.v. 3; further Kaster ad *Sest.* 17). **tametsi quis potest esse tantus?** C. had started to say "no pain you can cause me in the future will ever make me forget," but he corrects himself to say that he could never suffer anything as great as his present pain; the *correctio* underscores the enormity (cf. §64n. *ut sustinuit, di immortales! sustinuit?*). **sed ne hunc quidem ipsum ut obliuiscar quanti me semper feceritis:** loosely, "but not even this very pain will make me forget how highly you've always valued me [*OLD* s.v. *facio* 18c]"; *ut obliuiscar* is a result clause (understand e.g. *ne hunc quidem ipsum <u>tantum inuretis</u>*). **quae … obliuio** = *cuius rei obliuio* (cf. §75n. *qua inuidia … conflagrandum*). **si in me aliquid offendistis** "if you have found some fault with me"; *offendo* more commonly means "give offense" (*OLD* s.v. 7), but on occasion means "find something amiss," i.e. "take offense" (*OLD* s.v. 4d, *TLL* IX.2.491.46–51). For *si … <u>aliquid</u>*, cf. §10n. *in aliquas insidias.* **meo capite … quam Milonis:** i.e., C. should be punished, not Milo; *caput* is used here in its technical sense ("one's life as forfeit for various offenses," *OLD* s.v. 5; cf. Engl. "capital trial"). **praeclare enim uixero** "I will have lived a full and glorious life [*OLD* s.v. *uiuo* 7b]." Future perfect *uixero* loosely means "I will die"; cf. C.'s presumed pronouncement *uixerunt* "they have lived" → "they are dead" of the executed Catilinarian conspirators (Plut. *Cic.* 22.4 "ἔζησαν"). **si quid mihi acciderit:** a common euphemism for

death et sim.; cf. §58n. *etiam si quid ipsi accidat.* **priusquam hoc tantum mali uidero** "before I see so great an evil." *mali* is a partitive genitive with *hoc tantum*; this too may have a colloquial flavor (cf. e.g. Ter. *Ph.* 954–6 *hem | hicine ut a nobis <u>hoc tantum argenti</u> auferat | tam aperte irridens?*) With a positive main sentence, the present indicative or present subjunctive is usually used with *antequam* and *priusquam* in classical Latin (cf. §7n. *Sed antequam ad eam orationem uenio*), but the future perfect is very occasionally found too (K–S II.371).

100 T. Anni: for the honorific form of address, cf. §1n. *T. Annius ipse.* **nullum ... defuit:** C. claims that he has always done everything that he can for Milo, and, at least on C.'s own evidence, this seems to be true (cf. e.g. §34n. *me suffragatore ... utebatur*). For the tightly bound form of the tricolon, whose individual members are not complete but share elements ἀπὸ κοινοῦ, cf. §32n. *magnam ei causam ... fuisse.* On *a me*, cf. §97n. *quibus ea res honori fuerit a suis ciuibus.* **ego ... ego ... ego:** emphatic anaphora underscoring C.'s services on Milo's behalf. **inimicitias potentium pro te appetiui:** suitably vague phrasing, but "the powerful" might be taken to include Caesar and Pompey. *appeto* ("seek out") is a strong verb, and C. had praised Milo in similar terms elsewhere: *Har.* 7 *cuius* [= *Clodi*] *ille* [= *Milo*] *inimicitias <u>non solum suscepit</u> propter salutem meam, <u>uerum etiam appetiuit</u>.* **ego meum saepe corpus:** the juxtaposition of *ego* and *meum* and mild hyperbaton caused by the placement of *saepe* strongly emphasize C.'s *own* body. **ego me plurimis pro te supplicem abieci:** again vague. This is the standard language of supplication, although here, as often, probably metaphorical (cf. e.g. *Cael.* 79 *supplicem uestrae misericordiae ... abiectum non tam ad pedes quam ad mores sensusque uestros*). For a catalogue of all instances of supplicatory language in C., including brief commentary, see Naiden 2006: 341–3; on the importance of supplication in the Republic, especially in the courts, Naiden 2006: 219–76. **in communionem tuorum temporum** "in order to share in your circumstances [*OLD* s.v. *tempus* 9–10]." **dimicatio capitis** "life-and-death struggle," a common phrase (cf. e.g. *Balb.* 23 *qui se saepe telis hostium, qui dimicationi capitis, qui morti obiecerit*). **deposco** "I claim it for myself," a strong word (*OLD* s.v. 1b). **quid iam restat?** cf. §92 *quid restat.* **quid habeo quod faciam:** subjunctive in a relative clause of characteristic introduced by a rhetorical question; for an allied use, cf. §58n. *quod minus moleste ferat.* **pro tuis in me meritis:** *pro* = "in return for" (*OLD* s.v. 10); cf. e.g. *Phil.* 3.39 *ut pro tantis eorum in rem publicam meritis honores iis habeantur.* **fortunam quaecumque erit tua ducam meam:** for *duco* "consider," cf. §22n. *ducebat.* The word order reinforces that *meam* is predicate (cf. §44n. *quos mihi diuina quaedam sors dedit <u>iudices</u>*); the phrasing with *quaecumque erit tua* has point while

avoiding the clunky *fortunam tuam ducam meam*. **non abnuo:** *abnuo* in the sense of "refuse" (*OLD* s.v. 2) in C. only here (in other usages 3x in the *philosophica*). **obsecro ... ut uestra beneficia quae in me contulistis aut in huius salute augeatis:** yet another reference to Milo's *salus* (cf. §1n. *magis de rei publicae salute quam de sua*). **aut in eiusdem exitio occasura ēssĕ uĭdĕātīs** "or to recognize that your good deeds will come to naught if he is condemned." C. has somewhat strained the sense in the search for parallelism reinforced by rhyme (*augeatis* ... *uideatis*) and a favorite rhythm; it would have been more logical to say something like, "I beg you to multiply your good deeds by acquitting Milo, or else they will have all been in vain." Using *idem* instead of repeating a demonstrative pronoun is regular (*OLD* s.v. *idem* 7); cf. §102 *per hos ... per eosdem*.

101 His lacrimis non commouetur Milo: i.e., Milo remains determined and unafraid. *his* is deictic, pointing notionally to C.'s own tears produced by his foregoing conversation with Milo. There is little to choose between *commouetur* (CH: *OLD* s.v. *commoueo* 10 "stir the feelings of") and *mouetur* (ET: *OLD* s.v. *moueo* 15 "move to tender feelings, touch"; cf. §34 *lacrimae nostrae quibus ego tum uos mirifice moueri sentiebam*). The compound verb, however, is more likely to be corrupted into the simplex than vice versa (cf. §67n. *te enim appello, et ea uoce ut me exaudire possis*). **est quodam incredibili robore animi** "the strength of his resolution is almost unbelievable," ablative of description. *quidam* frequently softens *incredibilis* and similar adjectives (cf. §21n. *diuina quadam mente praeditus*), since few things are literally "unbelievable" (*OLD* s.v. 3; otherwise K–S 1.643, understanding *quidam* in such instances as "really, truly," Gotoff ad *Lig.* 5; Wackernagel [see Langslow 2009: 545] allows for both meanings, as does Pinkster 2015: 1109–10); cf. e.g. *Prov.* 23 *ardeo ... incredibili quodam amore patriae.* For *robur* "oak tree" → "strength" → "strength of character" (with *animi* et sim.), see *OLD* s.v. 10. **exilium ibi esse putat ubi uirtuti non sit locus:** i.e., Milo can never really suffer exile, for he can always exercise his *uirtus* (the first of three instances of the word in this paragraph). As throughout the *peroratio*, Milo is a Stoic sage. *sit* is subjunctive in a relative clause in indirect discourse. **mortem naturae finem esse, non poenam** "that death is the end appointed by nature, not a punishment," another Stoic sentiment. For the language, albeit in a different context (Caesar's view on why the Catilinarian conspirators should not be executed), cf. *Catil.* 4.7 *intellegit mortem a dis immortalibus non esse supplici causa constitutam, sed aut necessitatem naturae aut laborum ac miseriarum quietem*; somewhat otherwise *Phil.* 11.3 (sc. *Antonius*) *mortem naturae poenam putat esse, iracundiae tormenta atque cruciatum.* The declaimer Cestius Pius, who wrote a declamation *In Milonem* (Sen. *Contr.* 3 pr. 16–17), quotes

C.'s words back to him in a different declamation exhorting him to face death bravely (ap. Sen. *Suas.* 7.3): *ubi est sacra illa uox tua, "mori enim naturae finis est, non poena"?* **sit hic ea mente ... quo tandem eritis animo?** for the jussive subjunctive in a concession ("granted"), cf. §17n. *intersit inter uitae dignitatem summorum atque infimorum*; for the structure, cf. *Fin.* 2.92 *sit ... tam facilis quam uultis comparatio uoluptatis, quid de dolore dicemus?* ET read *animo eritis*, but the hyperbaton seems more emphatic and more likely to be simplified by a scribe. **et erit dignior locus ullus in terris qui hanc uirtutem excipiat quam hic qui procreauit?** Milo is all but equated with his *uirtus.* Although he was from Lanuvium, he is here again claimed for Rome more broadly; cf. §93n. *haec urbs praeclara mihique patria carissima.* For *et* introducing an indignant question, cf. §91n. *et*; for the subjunctive in *excipiat*, cf. §8n. *An est quisquam qui hoc ignoret.* **uos, uos appello, fortissimi uiri ... uos, inquam ... uosque ... uobis:** emphatic and showy language (e.g. *qui multum pro re publica sanguinem effudistis*; cf. *TLL* v.2.216.23–9), notionally an address to the soldiers present at the trial, but in the published speech perhaps more a reminder of the trial's circumstances. For the form of the appeal, cf. *Mur.* 81 *te, te appello, Cato.* **uos, inquam, in ciuis inuicti periculo:** Clark's conjecture (*uos inquam et ciuis inuicti periculo* HB [*unquam* for *inquam* B], *uos in uiri et in ciuis inuicti periculo* ET). Clark's intuition that the reading of ET is unbalanced is correct; while two nouns can be joined to a single adjective (cf. e.g. *Red. Sen.* 9 *audieram ex sapientissimo homine atque optimo ciue et uiro*, *Planc.* 68 *boni uiri et ciues*), the repetition of the preposition *in* would require a second epithet; furthermore, when two such words do share an epithet, it almost invariably precedes both words (as in the quoted examples). For the relatively rare *inuictus ciuis*, cf. *Har.* 38, *Pis.* 34 (both of Pompey). **haec tanta uirtus ex hac urbe expelletur, exterminabitur, prōĭcĭētūr?** again Milo is depicted as *uirtus* personified. The tricolon of terms for "will be driven into exile" (*OLD* s.vv. *expello* 5c, *extermino*, *proicio* 7b), with the first two in alliteration and all three in asyndeton, makes for an emotional close, although the heroic clausula is uncommon and perhaps unexpected (the scansion *prōĭc-* seems all but invariable in verse and so should be assumed here: *TLL* x.2.1793.14).

102 me miserum: an extremely common accusative of exclamation (*TLL* viii.1106.1–13, K–S i.272–3); its register is hard to gauge, but it certainly is not elevated (frequent in comedy and C.'s letters, but generally avoided in epic). A staccato series of rhetorical questions follows; for their shrinking members in balanced arrangement, cf. §61n. *quae magnitudo animi, qui uultus, quae oratio.* Throughout this section C. devotes himself to trying to stir up pity for Milo, but many of the standard features of a

defense *peroratio* are conspicuous by their absence: C. makes no mention of Milo's fellow citizens from Lanuvium (cf. *Mur.* 90 for the grief of the Lanuvians for a different favorite son, or e.g. *Clu.* 195); he conjures up his own family instead of Milo's; and he tries to create pity for the unmoved and unmoveable Milo by focusing on himself. Quintilian claims that the defense advocate will on occasion take on the role of stirring pity himself, but he cites only this passage (*Inst.* 6.1.23–5), and the technique certainly is not regular in C.'s speeches. **reuocare ... potero?** every word of this sentence is arranged in rhetorical antithesis. *reuocare* is fronted as more challenging than merely *retinere* (the alliteration making the two verbs as closely parallel as possible), which adds to the incredulity of C.'s question. **qui te parentem alterum putant:** although C. refers to his own children rather than Milo's, he does everything he can to assimilate them to Milo's children. **Quinte frater, qui nunc abes:** in 52 C.'s brother Quintus (*RE* s.v. *Tullius* 31) was away serving with Caesar in Gaul (Caes. *Gal.* 7.90.7). After Milo's trial he would return to Rome and become C.'s legate in Cilicia. **consorti mecum temporum illorum:** *consors* "sharer in" is used especially of brothers (*OLD* s.v. 2, *TLL* IV.486.30); *illorum temporum* refers to C.'s tumultuous time in exile (cf. §69 *in motu aliquo communium temporum*). In the *post reditum* speeches C. often praises Quintus as almost an ideal brother (cf. e.g. *Red. Sen.* 1, *Red. Pop.* 3, 5, 7–8). **mene non potuisse:** sc. *respondebo*; the question carries more than a hint of indignation, and fronting *me* places the emphasis squarely on C. **ille seruasset:** subjunctive in a subordinate clause in indirect discourse; for the secondary sequence, cf. §47n. *quod ne suspicari quidem potuerim, uidear id cogitasse.* C. uses *ille* (rather than *hic*) in reference to Milo here because he is now imagining a conversation with Quintus. **at:** often in surprised and indignant imagined questions and answers, a usage not treated by the *OLD*: see *TLL* II.998.84–999.26. **quae est grata <omnibus> gentibus:** there is clearly a lacuna in the transmitted text (a bald reference to "foreign nations" makes no sense). Garatoni's *omnibus* is plausibly part of the solution, but Madvig 1877a: 125 seems right to object that some mention should be made of the *populus Romanus* too: cf. §19n. *si unus ille occidisset ... gentes omnes concidissent.* All supplements here must be *exempli gratia.* **qui maxime P. Clodi morte acquierunt** "who have found the greatest relief [*OLD* s.v. *acquiesco* 4] in Clodius' death." **quo deprecante? me:** a thuddingly emphatic conclusion. In this series of clipped and colloquial questions, it would be pedantic to complain that the implied ablative absolute (*me deprecante*) is grammatically irregular with a first-person subject (*mene non potuisse Milonis salutem tueri*); C.'s desire to focus on himself (*me*) has trumped any other considerations.

103 Quodnam ego concepi tantum scelus ... cum illa indicia communis exiti indagaui, patefeci, protuli, exstinxi? C. "laments" his suppression of the Catilinarian conspiracy in almost the same words at *Sest.* 145: *quod tantum est in me scelus? quid tanto opere deliqui illo die cum ad uos indicia, litteras, confessiones communis exiti detuli, cum parui uobis?* In both cases the strategy is for C. to align his client with himself. The verb *exstinxi* here is not strictly logical with the object *indicia*, but C. is either carried away by emotion or wants to appear so in this emphatic accumulation of synonyms. Cf. (more logically) e.g. *Catil.* 1.32 *ut Catilinae profectione omnia patefacta, illustrata, oppressa, uindicata esse uideatis*, *Sul.* 85 *eum qui inuestigarit coniurationem, qui patefecerit, qui oppresserit.* **omnes mihi meisque redundant ex fonte illo dolores:** C. tries to stress that the only source for his troubles is his suppression of the Catilinarian conspiracy. *omnes* is focused by fronting, separation from *dolores*, and serving as host to *mihi*; *illo* is likewise given mild emphasis by its placement after *fonte.* The word *fons* is commonly used, as in English, of metaphorical "sources" (*OLD* s.v. 4), but in Latin the water imagery is often preserved, as here with *redundant*; cf. e.g. *Cael.* 19 *quaeram ... ex quo iste fonte senator emanet. nam si ipse orietur et nascetur ex sese, fortasse, ut soleo, commouebor; sin autem est riuulus arcessitus et ductus ab ipso capite accusationis uestrae, laetabor* (sim. *Cael.* 6, 31, §34 *fontem perennem*). The force of *re-* in *redundant* here is something like "from the inside outwards," i.e. *redundant* here = "flow (out) from" (*TLL* XI.2.582.70–5, Schrickx 2015: 275). The *re-* prefix is found repeatedly in §§102–3, perhaps just because of the subject matter (*re*call from exile). **quid me reducem ēssĕ uŏlŭīstīs?** *quid* = why (*OLD* s.v. *quis*[1] 16). *redux* "returned (from exile)" (*OLD* s.v. 2) is found only here in C., although he regularly uses the verb *reduco* in the sense "bring home from exile" (*OLD* s.v. 1b, *TLL* XI.2.574.32–9). The reasons for C.'s choice here are elusive, but cannot be confined to prose rhythm (*mē rĕdūxīstīs* is good too). **an ut inspectante me expellerentur ii per quos essem restitutus?** for indignant *an*, cf. §8n. *An est quisquam qui hoc ignoret.* For *inspectante me*, cf. §101 *uobis ... inspectantibus*; the implication in both cases is that to look on (or to be forced to look on) at so great an injustice is particularly cruel. One might read *hi* for *ii* to try to make the reference to Milo concrete (the two forms are interchangeable in medieval MSS: cf. §79n. *ab iisne*), but with the following generic clause *ii* seems more suitable; cf. *ab his* below. **nolite ... acerbiorem mihi pati reditum esse quam fuerit ille ipse discessus:** the focus of *acerbiorem* is shown by its fronted position and separation from *reditum*; it serves as host to enclitic *mihi. fuerit* is subjunctive in what is strictly speaking a subordinate clause in indirect discourse. **qui** "how" (*OLD* s.v. *qui*[2] 1). **si distrahor:** the present indicative of HB seems preferable for its vividness (cf. §99n. *diuellor* ...

eriperis), although *distrahar* (ETW) is possible. **ab his:** here *his* is probably preferable to *iis* as a concrete reference to Milo (*per quos restitutus sum*: indicative, as opposed to the generic *essem restitutus* above). For the idea, cf. *Sest.* 147 *quare uos obtestor atque obsecro ut … eos conseruetis per quos me reciperauistis.* **Vtinam di immortales fecissent … utinam P. Clodius non modo uiueret sed etiam praetor, consul, dictator esset:** C. "wishes" for a grim counterfactual of ascending gravity: even Clodius as dictator would be better than Milo driven into exile. The intervening parenthesis has caused C. to change his construction (cf. §75n. *sed ausum esse T. Furfanio dicere*, K–S II.587). **pace tua … dixerim:** loosely, "apologies in advance"; lit. "may I have said [*sc.* what I am about to say] without offending you [*OLD* s.v. *pax* 3]," a common expression (*TLL* x.1.865.28–34, 865.73–866.7); for the (optative subjunctive) mood of *dixerim*, see Elmer 1898: 123 n. 2. **ne scelerate dicam in te quod pro Milone dicam pie:** while chiastic antithesis of two words is so common as perhaps to be the norm (instead of parallel arrangement: so Leeman 1963: I.22), "chiastic" arrangement of three is extremely rare (H–S 696); cf. §23n. *cum esset controuersia nulla facti, iuris tamen disceptationem esse uoluit.* **potius quam hoc spectaculum uiderem:** the subjunctive is regularly used after *quam* in comparative sentences when they are explicit rejections of an imagined alternative; thus it is standard after *potius quam* (K–S II.300–1); cf. e.g. *Tusc.* 2.52 *perpessus est omnia potius quam … indicaret.*

104 o di immortales! cf. §40n. *qui locus, quod tempus illud, di immortales, fuit!*; the *o* may add extra emotion. **fortem et a uobis … conseruandum uirum:** accusatives of exclamation (cf. §102n. *me miserum*). The ablative of agent (*a uobis*) for the dative (*uobis*) with a gerundive is regular only when the verb already governs a dative (i.e., in order to avoid ambiguity: e.g. *Planc.* 78 *ei ego a me referendam gratiam non putem?*). Its use here may be emphatic; cf. the instances collected at K–S I.730. **"minime, minime," inquit:** C. once more ventriloquizes Milo for one final statement of Stoic constancy, designed to rouse the audience's feelings against the patent injustice. While *minime* does sometimes approach simple negation ("no"), more often it preserves some of its original force ("no, not at all [*sc.* should I be saved]"): *OLD* s.v. 2, *TLL* x.1.584.1–40, Thesleff 1960: 60–2. **"immo uero poenas ille debitas luerit: nos subeamus, si ita necesse est, non debitas":** "Milo" continues to correct C.'s assertion that he should be saved (cf. §34n. *immo uero eo fiebat magis*). For *poenas luo* "pay the penalty," cf. §85n. *serae, sed iustae tamen et debitae poenae solutae sunt.* Here *poenas* is focused by being fronted, while the other words are neatly contrasted (*ille* ~ *nos*, *debitas* ~ *non debitas*), even to the level of juxtaposed jussive subjunctives (*luerit* "let him have paid," *NLS* §112 ~ *subeamus* "let

us undergo"). **hicine** "will *this* man ...," with *-ne* focusing *hic*; the next two rhetorical questions likewise begin with a form of *hic*. *hicine* is a regular but emphatic *hic* + *-ne* (< *hic-ce* + *-ne*, with regular weakening of *e* to *i* in a non-initial open syllable; sim. *sicine, nuncine*: Weiss 116, 343). C. does seem to allow forms like *hicne* (full evidence at N–W II.421–2; further *TLL* VI.3.2695.11–35), but they are perhaps less pointed. **si forte** "perhaps" (= Gk. εἰ τύχοι, *OLD* s.v. *forte* 3a). **huius uos animi monumenta retinebitis, corporis in Italia nullum sepulcrum esse patiemini?** *huius* is focused by fronting; it perhaps serves as host to contrasting *uos*, although the pronoun may be stressed. Here *monumenta* means "memorials" in a vague sense (*OLD* s.v. 3), referring to the results of Milo's brave acts in service of the state, but it deliberately evokes "sepulchral monument" (*OLD* s.v. 2) to contrast with following *sepulcrum*. C. explicitly prefers *sepulcrum* to *sepulc<u>h</u>rum* (*Orat.* 160). **hunc suā quisquam sententiā ex hac urbe expellet:** *quisquam* is regular in rhetorical questions ("will anyone," cf. §8n. *An est quisquam qui hoc ignoret*). Again the elements of this clause contrast with those of the following clause (*hac urbe* ~ *omnes urbes*, *expellet* ~ *expulsum*). The separation of *sua sententia* by *quisquam* (unlike *quisque*) is rare and emphatic, here perhaps anticipating a contrast in the following *ad se*; cf. Sen. *Ben.* 3.18.2 *non dat beneficium seruus domino, <u>nec regi quisquam</u> <u>suo</u> nec duci suo miles*, *Balb.* 64 *<u>uestris</u> oppressum <u>sententiis</u>*.

105 <u>mĭseram</u> si a<u>mīser</u>it: for the possible wordplay with variation in quantity, cf. §67n. *non unius uĭri uīres*; here it makes for a flashy and emphatic conclusion. **neque enim prae lacrimis iam loqui possum, et hic se lacrimis defendi uetat** "since I can no longer speak for tears, and Milo forbids himself to be defended by tears." C. ends three other defense speeches with similar language: *Sul.* 92 *sed iam impedior egomet, iudices, dolore animi ne ... plura dicam* with Berry, *Rab. Post.* 48 *me dolor debilitat intercluditque uocem*, *Planc.* 104 *plura ne dicam tuae me etiam lacrimae impediunt uestraeque, iudices, non solum meae*. *prae* = "in the face of (an overpowering emotion)" (*OLD* s.v. 5); cf. e.g. *Planc.* 99 *nec loqui prae maerore potuit*. For the common *neque* (*enim*) ... *et*, cf. §61n. *ut neque timeant ... et ... putent*. **uos oro obtestorque, iudices:** cf. §92n. *quid restat nisi ut orem obtesterque uos, iudices*. **ut in sententiis ferendis, quod sentietis, id audeatis:** in closing, as in the *exordium*, C. exhorts the jurors to courage, here with a pointed *figura etymologica* (*sententia* < *sentio*) reminding them to vote their conscience and not yield to any outside pressures, especially to the pressure of what they think Pompey wants. Something like this and the following sentence could well have been part of the delivered speech. For the language, cf. §71n. *licere uobis quod sentiatis libere iudicare*. **mihi credite:** a common parenthesis in C.'s speeches (16x), it never affects a sentence's

construction. **is maxime comprobabit qui in iudicibus legendis optimum et sapientissimum et fortissimum quemque delegit:** C. concludes with praise of Pompey (*is*) and the jurors, assuring them that Pompey will approve of their decision (*sc.* to acquit Milo). The verdict of Velleius Paterculus is more realistic (2.47.4): *Milonem reum non magis inuidia facti quam Pompei damnauit uoluntas. quisque* is used with singular superlatives in the sense of "all the"; i.e. *optimus quisque = omnes optimi* (A–G §313b). *comprobabit* is Clark's conjecture for *comprobauit* (HB) or *probabit* (ET); the compound verb is more forceful (and a simplex is often substituted for a compound in the MSS: cf. §67n. *te enim appello, et ea uoce ut me exaudire possis*), and once consonantal *u* had begun to be pronounced like Engl. *v*, *b* and *u* were constantly confused.

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INDEXES

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2 GENERAL

References are to page numbers of the Introduction or Commentary and, in round brackets, to section numbers of the speech. Persons are indexed by *gentilicium* when known – i.e. "Tullius Cicero, M.," not "Cicero" – but cross-references have also been provided under their most familiar names. Bold type is used to indicate the most important or substantial note on a topic or, especially, a person.